

Agenda

Item #2



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: February 8, 2011

Re: Status of Proposed Penalties against the Republican State Leadership Committee

As I mentioned to you at your last meeting, on January 21, 2011, the Commission staff received factual information from the Republican State Leadership Committee (RSLC) concerning the late filing of independent expenditure report #142.

Based on that information, the Commission staff drafted a Notice of Proposed Penalties and Opportunity to Respond. On Friday, February 4, 2011, we e-mailed and mailed the notice to the RSLC. The notice proposes penalties totaling \$41,000, and invites the RSLC to respond in writing and in person at your February 17 meeting.

For understandable reasons, the RSLC was not able to respond within two business days in time for today's packet. I will distribute the RSLC's response by e-mail and mail when it is received.

Please note that I may reduce the staff recommendation, based on the RSLC's response.

Thank you for your consideration of this matter.



STATE OF MAINE
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February 4, 2011

By E-Mail and Regular Mail

Daniel P. Riley, Esq.
Bernstein Shur
146 Capitol Street
Augusta, ME 04330

**NOTICE OF PROPOSED PENALTIES
AND OPPORTUNITY TO RESPOND**

Dear Mr. Riley:

Thank you for the information that the Republican State Leadership Committee (RSLC) submitted on January 21, 2011. The purpose of this letter is to provide notice to the RSLC of the range of enforcement actions that the members of the Maine Commission on Governmental Ethics and Election Practices could take at their next meeting. The Commission staff reserves making its final penalty recommendation until after reading the RSLC's response to this penalty notice. As indicated below, the penalties are potentially quite large because the RSLC's delay in filing independent expenditure reports delayed five Senate candidates in receiving or spending more than \$160,000 in campaign funds to promote their election. Regardless whether the violation was intentional, the late filing had a significant impact on these candidates' ability to spend campaign funds in the last two weeks before the November 2, 2010 general election.

Opportunity to Respond

The Commission will consider this matter at its meeting on February 17, 2011 at 9:00 a.m. at the Commission's office at 45 Memorial Circle in Augusta. The RSLC is welcome to respond in writing in advance of the meeting and in person at the meeting. If the Commission staff receives your response by Monday, February 7, we will include the response in the packet we send to the Commissioners on February 8.

Given the magnitude of the penalties, the RSLC may require longer than February 7 to respond. The Commission can accommodate that, but please keep in mind that the Commissioners need an opportunity to thoroughly consider your response before the February 17 meeting. Also, I expect that the Commissioners will want to consider the views of the Maine Democratic Party (MDP), which filed the complaint in this matter.

Amendments to Independent Expenditure Report #142

In addition to responding to this penalty notice, the Commission staff requests that the RSLC submit an amended version of independent expenditure report #142.

Compliance at Issue

Independent Expenditure Report #142

The primary compliance issue in this enforcement matter is the timeliness of independent expenditure report #142, which the RSLC filed on Saturday, October 23, 2010 – ten days before the November 2, 2010 general election. The report (referred to below as IE #142) included a total of \$398,970 in expenditures made for three types of communications (mailings, television and radio advertisements) directed at voters in five State Senate districts in Maine. The communications supported the five Republican nominees in the Senate races, and opposed the Democratic nominees.

On IE #142, all of the expenditure dates are Friday, October 22, 2010. The MDP has alleged that these dates are inaccurate and the report was filed late. In the January 21, 2011 response, the RSLC conceded that the report was late.

Late PAC Report by the Republican State Leadership Committee – Maine PAC

In addition, the RSLC has registered a PAC with the Commission: the Republican State Leadership Committee - Maine PAC. It appears to the Commission staff that the PAC's October 22 report did not substantially conform to the reporting requirements, and should be considered late. In its October 22 report, it stated that it incurred no expenditures or obligations during the reporting period. In fact, during the period, one of the RSLC's vendors purchased or ordered \$75,678 in mailings. In addition, the MDP alleges that the October 12 or 22 reports were inaccurate, because they did not include polling conducted in Maine on or around September 26, 2010.

Relevant Law

Independent Expenditure Reporting Requirement

Under Maine's independent expenditure statute (21-A M.R.S.A. § 1019-B), the costs of certain communications to voters naming or depicting clearly identified candidates must be reported as "independent expenditures" to the Commission. The filing schedule is determined by a regulation of the Commission:

Independent expenditures aggregating in excess of \$250 per candidate made within the period starting on September 7th and ending on the 14th day before the general election must be reported within 48 hours of those

expenditures, including on a weekend, holiday, or state government shutdown day. ...

Independent expenditures aggregating in excess of \$100 per candidate made after the 14th day before the general election must be reported within 24 hours of those expenditures, including on a weekend, holiday, or state government shutdown day.

(Chapter 1, Section 10(3)(B) of the Commission Rules) As discussed in the next section of this letter, the prompt filing of independent expenditure reports plays an important function in Maine's public campaign financing program, the Maine Clean Election Act (MCEA). In order to encourage the timely filing of independent expenditure reports, the Commission adopted a regulation clarifying that entering into an obligation or agreement to make a payment constitutes a reportable expenditure:

(3) Timing of Reporting Expenditures

- A. Placing an order with a vendor for a good or service; signing a contract for a good or service; the delivery of a good or the performance of a service by a vendor; or a promise or an agreement (including an implied one) that a payment will be made constitutes an expenditure, regardless whether any payment has been made for the good or service.
- B. Expenditures must be reported at the earliest of the following events:
 - (1) The placement of an order for a good or service;
 - (2) The signing of a contract for a good or service;
 - (3) The delivery of a good or the performance of a service by a vendor;
 - (4) A promise or an agreement (including an implied one) that a payment will be made; or
 - (5) The making of a payment for a good or service.
- C. At the time the duty to report an expenditure arises, the person submitting the report is required to determine the value of goods and services to be rendered (preferably through a written statement from the vendor) and to report that value as the amount of the expenditure. If the expenditure involves more than one candidate

election, the report must include an allocation of the value to each of those candidate elections.

(Chapter 1, Section 7(3) of the Commission's Rules) The rule is based on part of the statutory definition of campaign "expenditure," which includes "[a] contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure." (21-A M.R.S.A. § 1012(3)(A)(2))

Matching Funds

In the MCEA program, candidates may be entitled to receive "matching funds," which are additional public campaign funds received by some candidates in the closing weeks of the election. (21-A M.R.S.A. § 1125(9)). One of the objectives of matching funds is to provide program participants with an opportunity to engage in more campaign speech to respond to independent expenditures in their race. So, for example, if a political action committee spends \$2,000 on a mailing against a candidate who is participating in the program (or in favor of one of the candidate's opponents), the candidate will be eligible to receive \$2,000 in matching funds (all other factors being equal).

In the 2010 elections, State Senate candidates participating in the MCEA program received an "initial payment" of \$19,078 in June 2010, and could be eligible for up to \$38,156 in matching funds. Generally, the candidates in the more competitive races receive a greater amount of the matching funds.

PAC Reporting

PACs are required to file campaign finance reports according to deadlines in 21-A M.R.S.A. § 1059. For example, last year PACs were required to file a report on October 22, 2010 – the 11th day before the general election. Under § 1059, each report covers a specific reporting period.

The contents of the required reports are set forth in 21-A M.R.S.A. § 1060. All PACs must report "each expenditure made to support or oppose any candidate" (21-A M.R.S.A. § 1060(4)) The definition of expenditure includes "[a] contract, promise or agreement" to make a payment, "whether or not legally enforceable." (21-A M.R.S.A. § 1052(4)(A)(2))

The Commission is authorized to prescribe the forms for the reports in 21-A M.R.S.A. § 1058. The Commission's PAC reporting form includes a Schedule B for expenditures (actual payments made) and a Schedule D for unpaid debts and obligations.

Late-Filing Penalties for Independent Expenditure Reports

The late filing penalties for independent expenditure reports are determined according to a formula in 21-A M.R.S.A. § 1020-A(4-A) that takes into consideration the amount of contributions or expenditures reported late, the number of days the report was late, and a percentage based on whether the filer was late previously during the election year. Under § 1020-A(5-A)(A), the maximum late filing penalty for a late independent expenditure report is \$5,000.

Under § 1020-A(2), the commission "may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure." In addition, the Commission may waive a penalty if it determines that the failure to file was due to "mitigating circumstances" defined as:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.¹

Penalty for Delayed Matching Funds

At the suggestion of the Commission, in 2005 the Maine Legislature amended the Maine Clean Election Act to assess a penalty of up to \$10,000 if a late filing of a campaign finance report by a candidate or independent spender results in a delay of a candidate's receipt of matching funds:

The commission may assess a fine of up to \$10,000 for a violation of the reporting requirements of sections 1017 and 1019-B if it determines that the failure to file a timely and accurate report resulted in the late payment of matching funds.

¹ For regularly scheduled campaign finance reports that are filed late by candidates, PACs, and party committees, the Commission staff informs the filers of their opportunity to request a waiver of the penalty through a procedure described in § 1020-A(6). Since this matter is before the Commission due to a request by the MDP, this letter is intended to substitute for that procedure in order to provide the RSLC with notice that it may request a waiver of the late-filing penalties for reasons listed in § 1020-A(2).

(21-A M.R.S.A. § 1127(1)) This reflects the design of the MCEA program, which relies on the timely filing of independent expenditure reports for opposing candidates to receive their campaign funding on time.

Late-Filing Penalties for PAC Reports

The late filing penalties for PAC reports are assessed under similar procedures set forth in 21-A M.R.S.A. § 1062-A. The penalties are calculated according to a formula in § 1062-A(3). The maximum penalty for a late PAC report is \$10,000, under § 1062-A(4). PACs may request a waiver of the penalty based on reasons set forth in § 1062-A(2).

Penalty for Substantial Misreporting

Under 21-A M.R.S.A. § 1004-A(4), the Commission may assess a penalty of up to \$5,000 against an individual or organization “that files a campaign finance report that substantially misreports contributions, expenditures or other campaign activity”

Factual Information Provided by the RSLC

In its January 21, 2011 response to questions from the Commission staff, the RSLC provided information concerning orders and purchases made on its behalf on three different dates: October 19, 20, and 21. The RSLC explains that it contracted with its vendor, Crossroads Media, LLC of Alexandria, Virginia for the mailings, television and radio advertisements. Crossroads Media, LLC hired a subvendor, Arena Communications, for the mailings. In response to the staff's questions, the RSLC responded:

- On October 19, 2010, the RSLC placed an order for production of the mailings.
- On October 20, 2010, the RSLC placed orders the production of the television and radio advertisements.
- On October 21, 2010, Crossroads Media, LLC began placing orders for advertising time for the television and radio advertisements.² It started ordering television advertising time at 10:46 a.m., and started ordering radio advertising time at 1:16 p.m.
- On October 21, 2010, the RLSC was advised by Arena Communications that postage for the mailings would cost \$22,551.

² In addition, in the October 25 and 27 submissions by the MDP, the party provided documentation that agents of the RSLC made purchases of television time on Friday, October 22 from WFXV in Bangor and from WGME and WCSH in Portland.

The RSLC concedes that it was required to file two independent expenditure reports:

After review of all the above dates, it appears that the RSLC should indeed have filed Independent Expenditure reports on October 20, 2010 (covering the "order placement" of the mailings) and on October 21, 2010 (covering all other "order placements"). Instead, the RSLC combined all of these expenses into one report (believing the trigger was distribution), which was filed on October 23, 2010. The RSLC will be amending its reports accordingly.

Penalties under Consideration by the Commission on February 17, 2011

This section of the letter describes the penalties which the Commission staff intends to recommend at the Commission's meeting on February 17, 2011. At this time, the Commission staff intends to recommend penalties totaling \$41,000. We may reduce our recommendation based on your response to this letter.

A. Late Filing of Two Independent Expenditure Reports (two preliminary penalties totaling \$10,000)

At this time, the Commission staff is inclined to recommend to the Commissioners that the RSLC was required to file two independent expenditure reports that were late:

	Deadline for Filing Report	Content of Report
1.	Thursday, October 21 (filed two days late)	<ul style="list-style-type: none">• production of mailings (\$75,678) ordered on October 19• production of television and radio advertisements ordered on October 20; and• <u>potentially</u> some of the advertising time which Crossroads Media, LLC ordered on October 21, and the postage purchased by Arena Communications on October 21)
2	Friday, October 22 (filed one day late)	<ul style="list-style-type: none">• any advertising time and postage ordered on October 21 that was not reported on October 21

The RSLC ordered the production of mailings on Tuesday, October 19 – which was the fourteenth day before the election. Under the Commission's rule, it was an "[i]ndependent expenditure[]" aggregating in excess of \$250 per candidate made within the period starting on September 7th and ending on the 14th day before the general election" The RSLC was therefore required to report the expenditure within 48 hours – on October 21st.

In its January 21, 2011 response, the RSLC appears to be contending that it was not required to file an independent expenditure report on Friday, October 22. The Commission acknowledges that there could be a factual basis for that proposition, but we do not believe the information presented to date is sufficient to accept it at this time. Crossroads Media, LLC began ordering radio and television time on Thursday, October 21. The documents provided by the MDP indicate that at least three broadcast stations in Maine received orders from the RSLC's agents on Friday, October 22 (WFVX in Bangor, WGME and WCSH in Portland). Since Crossroads Media, LLC presumably made some advertising purchases in the afternoon of October 21, the Commission staff is unsure why the Commission should conclude that all of those October 21 purchases by Crossroads Media would have been reported the same day on October 21. It seems just as likely (if not more likely) that some of those October 21 purchases would have been reported by the RSLC on Friday, October 22 in conformance with the 24-hour reporting requirement.

For purposes of this penalty notice, the Commission staff presumes that two independent expenditure reports were due. The staff may revise that view after reading the RSLC's response.

For purposes of this penalty notice, the Commission staff also presumes that the preliminary penalties for the first and second late reports are \$5,000 each. The formula is 1% of total expenditures in the report, multiplied by the number of days late (here, one or two days). IE #142 contained a very large amount of spending (\$398,970). Given the very large amount spent overall, it seems likely that the preliminary penalties could exceed the maximum of \$5,000. If the RSLC believes that the preliminary penalties are less than \$5,000, please provide the penalty amounts and the calculation.

Regardless whether the RSLC was required to file one or two late reports, the RSLC may request a waiver of the preliminary \$5,000 penalties based on the reasons set forth in 21-A M.R.S.A. § 1020-A(2).

B. Additional Penalties for Delayed Matching Funds (two penalties of up to \$10,000 each)

Unfortunately, as a result of the late independent expenditure reporting by the RSLC, five candidates for the Maine Senate were significantly disadvantaged in planning and executing more than \$160,000 in campaign spending during the second week before the November 2, 2010 general election. The five candidates were the Democratic nominees Deborah Simpson, Patsy Crockett, Pamela Trinward, James Schatz, and Joseph Perry. This is a very large amount of money for five candidates to receive late. For comparison purposes, it is worth noting that some 2010 MCEA candidates for State Senate funded their entire general election campaigns on \$19,078 (the amounts of the June 2010 initial payment).

Going into the week of October 17, 2010, three of the five Democratic nominees (Deborah Simpson, Patsy Crockett, and Joseph Perry) had been authorized to spend some matching funds (see column a in the chart below). These three candidates had received not just the amounts that they were authorized to spend, but also additional "unauthorized" funds which they were not authorized to spend (see columns (b) and (c)).

When the RSLC filed IE #142 on Saturday, October 23, the Commission staff took two actions:

- We telephoned all five candidates and advised them that the RSLC had made very large independent expenditures against them, and we authorized them to spend up to the maximum in matching funds.
- On the next business day (Monday, October 25), the staff directed the State of Maine to issue additional payments to Patsy Crockett, Pamela Trinward, and James Schatz. (Deborah Simpson and Joseph Perry had already received the maximum payment.) The State released those funds on Tuesday, October 26. Our general understanding is that the candidates would have received those funds electronically in their bank accounts on October 26 or 27, but we have not confirmed the actual dates of receipt with the candidates.

The amounts of these payments and authorizations are shown on the following chart.

Candidate	District	Candidates' Matching Funds Status during Week of 10/17/2010			After 10/23/2010 filing of IE #142	
		(a) Matching Funds Authorized to Spend	(b) Unauthorized Matching Funds Received	(c) Total Matching Funds Received to date	Matching Funds Authorized by Staff on 10/23/2010	Payments Released by State on 10/26/2010
Deborah Simpson	15	\$7,944.72	\$30,211.28	\$38,156.00	\$30,211.28	---
Patsy Crockett	24	\$2,837.44	\$16,240.56	\$19,078.00	\$35,318.56	\$19,078.00
Pamela Trinward	25	\$0.00	\$0.00	\$0.00	\$38,156.00	\$38,156.00
James Schatz	28	\$0.00	\$0.00	\$0.00	\$38,156.00	\$38,156.00
Joseph Perry	32	\$19,024.18	\$19,131.82	\$38,156.00	\$19,131.82	---
Total					\$160,973.66	

Impact of late filing on Patsy Crockett, Pamela Trinward, and James Schatz. Had the RSLC filed an independent expenditure report on October 21, the Commission staff would have immediately directed the State of Maine to advance the maximum amount of matching funds to Patsy Crockett, Pamela Trinward, and James Schatz. The State would have released the funds overnight. My general understanding is that the three candidates would have received the funds on Friday, October 22 or Saturday, October 23. (All five candidates had elected to receive MCEA payments by electronic funds transfer.) Instead,

these three candidates received the funds on Tuesday, October 26 or Wednesday, October 27. This amounts to a delay of four days during which they did not receive a very large amount of campaign funding. Four days is a significant period of time during the last two weeks before a general election.

Impact on Deborah Simpson and Joseph Perry. These two candidates already had the maximum amount of matching funds in their campaign bank accounts on October 21. The impact on Deborah Simpson was that she received an authorization to spend \$30,211 on Saturday, October 23rd, when she should have received the authorization in two parts on October 21 and October 22. She received the authorization on a Saturday, when most vendors would not be open for business. The impact on Joseph Perry was that he received an authorization of \$19,131 on Saturday, October 23rd, when he should have received the authorization in two parts on October 21 and 22.

These delays are significant within the final two weeks of a campaign when it is critical for candidates to have full control over the timing and content of their campaign messages. The Commission is authorized under 21-A M.R.S.A. § 1127(1) to assess an additional penalty of up to \$10,000 if the late filing of an independent expenditure report results in the late payment of matching funds.³ At this time, the Commission staff intends to recommend the assessment of a \$10,000 penalty for both independent expenditure reports that the RSLC filed late. We will consider revising the recommendation after reading your response.

C. Late Filing of October 22, 2010 PAC Report (preliminarily penalty of \$10,000)

The RSLC registered a political action committee in Maine: the Republican State Leadership Committee – Maine PAC. Its treasurer is Staci Goede, the Chief Financial and Operating Officer of the RSLC. The RSLC website states that Ms. Goede is in charge of the RSLC's compliance. During 2010, the PAC was required to file campaign finance reports stating contributions to the PAC and expenditures by the PAC. The filing deadlines during the second half of 2010 were

Filing Deadline	Reporting Period
July 20, 2010	May 26, 2010 – July 13, 2010
October 12, 2010	July 14, 2010 – September 30, 2010
October 22, 2010	October 1, 2010 – October 19, 2010
December 14, 2010	October 20, 2010 – December 7, 2010

On October 12 and October 22, 2010, the PAC filed "no activity reports," which means the PAC affirmatively stated that, during those reporting periods, it received no

³ "The commission may assess a fine of up to \$10,000 for a violation of the reporting requirements of section[] 1019-B if it determines that the failure to file a timely and accurate [independent expenditure] report resulted in the late payment of matching funds." (21-A M.R.S.A. § 1127(1))

contributions or loans, made no expenditures, and incurred no unpaid debts or obligations.

The October 22 report appears to be inaccurate, because the PAC ordered the production of mailings on October 19, 2010 at a cost of \$75,678. (The RSLC contracted with Crossroads Media, LLC for the mailings, which hired a sub-vendor, Arena Communications.) In the October 22 report, the PAC should have reported \$75,678 as an expenditure (on Schedule B) or as an unpaid debt or obligation (on Schedule D). Instead, the RSLC filed a PAC report in which it affirmatively stated that it incurred no expenditures or obligations for the period of October 1 – October 19, 2010.

Under 21-A M.R.S.A. § 1062-A(2), “A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date is due.” The October 22 report does substantially conform to the reporting requirements, because it disclosed no expenditures or obligations.

The RSLC included the \$75,678 payment to Arena Communications in its December 14, 2010 report, which is 53 days after it should have been publicly disclosed in a PAC report. So, the Commission staff is considering the October 22 report to be 53 days late.

The preliminary penalty for the late report is the maximum of \$10,000. If the \$10,000 maximum penalty did not apply, the preliminary amount would be \$40,109, which is \$756.78 (1% of \$75,678 in expenditures or obligations) multiplied by 53 (the number of days the expenditure or obligation was reported late).

Maine’s system of PAC reporting is similar to disclosure in other states. In general, PAC reporting should be familiar territory for the RSLC. One would expect the RSLC to have effective procedures in place to track expenditures and obligations for purposes of campaign finance reporting. So, if on October 19 a vendor or a sub-vendor makes a \$75,678 purchase for mailings, presumably some procedure should be in place for that payment to be reported by the RSLC – Maine PAC three days later on October 22, 2010.

The RSLC may request a full or partial waiver of this preliminary penalty of \$10,000, based on the reasons set forth in 21-A M.R.S.A. § 1062-A(2). The staff may recommend a penalty of less than \$10,000.

The MDP argues that the RSLC’s October 12 or 22 reports were substantially non-compliant because they did not include payments to Target Point Consulting or Western Wats for polling conducted in Maine on September 26, 2010. At this time, the staff does not recommend a late-filing penalty due to the polling issue. Given its activities in many states and that polling was conducted in several Maine Senate districts, we believe that as of the October 12, 2010 filing deadline, the RSLC may have been legitimately unsure whether it would be paying for subsequent communications in Senate districts 15, 24, 25,

28, and 32. At some later point, the RSLC did, in fact, decide to send communications into those five Senate districts, and it is arguable that the RSLC should have retroactively amended the "no activity" October 12 report to include the September polling expenses. Given the lack of clarity of the reporting obligation and the overall very large penalties under consideration, however, we do not recommend a late-filing penalty based on the polling conducted for the RSLC.

D. Substantial Misreporting of Expenditures (\$1,000 penalty recommended)

IE #142 was filed by fax on Saturday, October 23 by Staci Goede. The Commission staff has some concern that when Ms. Goede completed the report, she inaccurately entered "10/22/10" as the "Date of expenditure" for all payments listed on Schedule B-IE-2. Given the following dates:

- the polling was conducted (and presumably paid for) in September 2010,
- the RSLC ordered the production of the mailings on October 19,
- the production of broadcast advertisements was ordered on October 20, and
- orders for advertising began on October 21,

the Commission staff is unaware of the factual basis for Ms. Goede to report October 22, 2010 as the "Date of [the] expenditure[s]."

In Maine, independent expenditure reports are statutorily required to include the date, payee, and amount of each expenditure (21-A M.R.S.A. § 1019-B(3)(B)). The information entered onto the report is supposed to have some basis in fact.

The October 22 dates entered by Ms. Goede give the appearance that the October 23 report was filed on time, when it was not. The Commission staff believes that IE #142 "substantially misreports [the RSLC's] expenditures." (21-A M.R.S.A. § 1004(4)) At this time, we recommend that the Commission assess a penalty of \$1,000 for this violation. The maximum penalty that may be assessed under § 1004(4) is \$5,000.

The staff may revise this recommendation if your response provides a better understanding for the basis of the reported expenditure date of October 22, 2010.

Lack of Intention to File Late

In its January 21 response, the RSLC stated:

In closing, the RSLC asks the Commission to take into consideration that the organization filed its reports in good faith and consistent with their practice in other states across the country. While the RSLC now understands the unique triggers in Maine law, it is important for the Commission to understand that there was no intent on the part of the

RSLC to avoid compliance but simply a lack of recognition of the nuances of Maine's campaign reporting requirements.

Previously, the RSLC has denied that it delayed its reporting until after the U.S. Supreme Court declined to block the payment of matching funds in Respect Maine PAC v. McKee.

Duty to Understand Maine's Reporting Requirements

When the RSLC makes independent expenditures in different states to influence candidate elections, it is the RSLC's responsibility to learn the legal reporting requirements in each state and to make sure that the organization complies with them. While it may be the RSLC's practice to file reports when its communications are disseminated to voters, public dissemination is most likely not the legal standard in the states in which the RSLC operates.

To the best of our knowledge, most states require that independent expenditure reports must be filed within a certain number of days after making the expenditure – particularly for larger expenditures and for expenditures made relatively close to a general election. Moreover, most states with independent expenditure reporting presumably require that independent spenders disclose the actual date of the expenditure.

To comply with these legal requirements, it seems that the RSLC would need to have some procedure for tracking

- the actual dates of expenditures made for communications to voters, so that these can be reported in the various states; and
- the statutory and regulatory deadlines for independent expenditure reporting in the different jurisdictions.

We recognize that this level of reporting and record-keeping would be challenging to administer on a national scope, but the RSLC's budget on communications (tens of millions of dollars since 2002) suggests that additional staff could be hired, if necessary, to meet that challenge.

Notice to RSLC that Obligations are Reportable Expenditures

The Commission's regulation specifies that ordering a good or service is a reportable expenditure. (Chapter 1, Section 7(3)) The Commission staff agrees that the regulation may differ from the requirements in other states. Nevertheless, the requirement is not hidden. It is described in plain language on page 2 of the independent expenditure reporting form (attached).

The RSLC's polling suggests that it was considering distributing communications to Maine voters as early as late September. In planning to spend roughly \$400,000 in

Maine on independent expenditures, it is reasonable to expect that the RSLC might have reviewed the form itself in advance of making the expenditures to understand the reporting requirements and to have complied with them.

Date of Filing (Saturday, October 23)

The Commission staff is unsure whether the RSLC would have filed its report on Saturday, October 23, if the Commission staff had not made significant efforts to seek the report. Late in the day on Friday, October 22, the MDP alerted the Commission staff that large television buys were being made in the five Senate districts. The MDP sought to verify that its nominees would receive prompt authorizations to spend matching funds.

Another employee and I were working on Saturday, October 23. Because it was a Saturday, and the RSLC was presumably closed, I telephoned the executive of Target Point Consulting whom I had interviewed previously about a possible late independent expenditure report. He said he would contact his client. Ms. Goede filed the report shortly afterward (within a couple of hours, as I remember it). We hope that the RSLC intended to file the report on Saturday, October 23, but it is possible that the report could otherwise have been filed on a later date.

Summary

For purposes of notifying the RSLC of the potential penalties in this matter, the Commission staff outlines the following penalties which it expects the Commissioners to consider at their February 17, 2011 meeting. The staff will make its final recommendation to the Commissioners after reading your response to this letter.

	Type of Violation	Recommended Penalty	Notes
A.	Late Filing of Two Independent Expenditure Reports	\$10,000 (preliminary penalty)	<ul style="list-style-type: none">• presumes two IE reports were required• presumes that the preliminary penalty is \$5,000 for both reports• RSLC may seek waiver of the preliminary penalties for reasons set forth in 21-A M.R.S.A. § 1020-A(2)
B.	Delay of Matching Funds for Late IE Report)	\$20,000.00	<ul style="list-style-type: none">• presumes that two IE reports were required• RSLC may argue for less than the \$10,000 maximum
C.	Late Filing of 10/22/2010 PAC Report	\$10,000.00	<ul style="list-style-type: none">• RSLC may seek waiver under 21-A M.R.S.A. § 1062-A(2)

D.	Substantial Misreporting (date in IE report)	\$1,000.00	• Maximum penalty is \$5,000 for this violation
Total		\$41,000	

Suggestions for RSLC's Response

The RSLC is welcome to provide any factual information or legal argument which it believes is relevant. The Commission staff suggests some possible issues to address if the RSLC disagrees with the Commission staff's application of the enforcement statutes:

- If the RSLC believes that it was required to file only a single independent expenditure report on Thursday October 21, please explain why no report would have been required for October 22.
- If the RSLC believes that the amounts of the preliminary penalties for the two late independent expenditure reports should be less than \$5,000, please provide the calculation. The formula is 1% of total expenditures in the report, multiplied by number of days late.
- Please state any reasons set forth in 21-A M.R.S.A. § 1020-A(2) that would support a waiver of the two \$5,000 preliminary penalties for the late independent expenditure reports.
- The late independent expenditure reports by the RSLC resulted in a delay of more than \$160,000 in matching funds to five State Senate candidates. If the Commission should not assess two maximum penalties of \$10,000 under 21-A M.R.S.A. § 1127(1), please explain why.
- Please state any reasons set forth in 21-A M.R.S.A. § 1062-A(2) that would support a reduction in the \$10,000 preliminary penalty for the October 22, 2010 PAC report.
- If the RSLC believes that the inaccurate dates in IE #142 did not constitute substantial misreporting, or the proposed penalty of \$1,000 for the misreporting is inappropriate, please explain why.

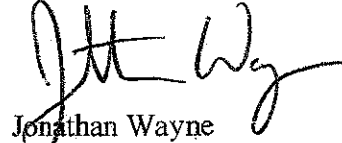
Daniel P. Riley, Esq.

Page 16

February 4, 2011

If you have any questions about this notice, please contact me at (207) 287-4179 or Jonathan.Wayne@maine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jt Wayne', written over the printed name.

Jonathan Wayne
Executive Director

cc: Craig Engle, Esq.
Scott Ward, Esq.
Daniel W. Walker, Esq.

RSLC Chronology

October - November 2010

S	M	T	W	Th	F	Sa
17	18	19 RSLC ordered production of mailings	20 RSLC ordered production of TV, radio ads	21 Crossroads Media began ordering advertising time (TV, radio)	22 Orders for advertising time continued	23 RSLC filed IE #142 Commission made authorizations of matching funds to five Democratic nominees
24	25 Commission directed State to issue matching funds payments to three of the Democratic nominees	26 State issued electronic payments to three of the Democratic nominees	27	28 Arena Communications advised RSLC of postage costs	29	30
31	1	2 General Election				



REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES – 2010 GENERAL ELECTION

These instructions are intended to provide information about how to report independent expenditures. For detailed information about making independent expenditures, including information on express advocacy, special requirements if a Maine Clean Election Act candidate is affected by an independent expenditure, membership communications, and other topics, please see the Commission staff's memo, Advice Regarding Independent Expenditures for the 2010 General Election, or contact the Commission staff at (207) 287-4179. The statute and rules governing independent expenditures are 21-A M.R.S.A. § 1019-B and Commission Rules, Chapter 1, Section 10 (94-270 CMR Chapter 1, Section 10).

WHEN DO INDEPENDENT EXPENDITURES HAVE TO BE REPORTED?

It is important to note that it is the total or aggregate amount spent per candidate for the election that matters in determining whether an independent expenditure has to be reported, not simply the amount of a single expenditure. When an independent expenditure report has to be filed depends on the amount and the timing of the expenditure.

Independent expenditures aggregating:

- more than \$250 per candidate made on or before September 6 must be reported in the September Summary Report due by 5:00 p.m. on September 7.
- more than \$250 per candidate made on or after September 7 through October 19 must be reported within 48 hours of exceeding the \$250 threshold (each time the \$250 threshold is exceeded, a report must be filed within 48 hours).
- more than \$100 but not more than \$250 made on or before September 30 must be reported in the October Summary Report due by 5:00 p.m. on October 12 (do not report any expenditures previously reported).
- more than \$100 but not more than \$250 made on or before October 19 must be reported in the 14-Day Pre-Election Report due by 5:00 p.m. on October 19 (do not report any expenditures previously reported).
- more than \$100 per candidate made on or after October 20 must be reported within 24 hours of exceeding the \$100 threshold (each time the \$100 threshold is exceeded, a report must be filed within 24 hours).

An independent expenditure report filed after October 25 is required to include additional information on Schedule B-IE-3 of the report.

WHAT ARE THE SPECIAL REQUIREMENTS IF A MAINE CLEAN ELECTION ACT CANDIDATE IS IN THE RACE?

If you disseminate a communication that names or depicts a clearly identified candidate during the final weeks before an election and there is a Maine Clean Election Act candidate in the race, any expenditure made for the design, production, or dissemination of the communication will be presumed to be an independent expenditure. This presumption applies even if the communication does not expressly advocate for the election or defeat of a candidate. Due to a recent court decision, *Nat'l Organization for Marriage v. McKee* (D. Me. August 19, 2010), the presumption cannot be rebutted.

WHAT IS THE TIME PERIOD DURING WHICH THE PRESUMPTION APPLIES?

The presumption period applies to communications that name or depict a clearly identified candidate that are disseminated within the 35 days before the general election, including election day – September 29 to November 2.

DOES THE PRESUMPTION EVER APPLY TO EXPENDITURES THAT ARE MADE BEFORE THE PRESUMPTION PERIOD BEGINS?

Yes. If the expenditure to design, produce or disseminate the communication is made before the presumption period and the communication itself is disseminated or is intended to be disseminated within the presumption period, the expenditure is presumed to be an independent expenditure and must be reported.

IMPORTANT INFORMATION ABOUT EXPENDITURES

The legal definition of expenditure includes not just the making of a payment but also "[a] contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure." (21-A M.R.S.A. § 1012(3)(A)(3)) The Commission views this as requiring the reporting of an unpaid obligation as an independent expenditure. The Maine Clean Election Act explicitly requires that "obligations" be considered when determining whether a Maine Clean Election Act candidate is entitled to receive matching funds.

What is an expenditure?

- any obligation to pay for a good or service
- the placement of an order for goods and services
- a promise or agreement (even an implied one) that payment will be made
- the signing of a contract for a good or service
- the delivery of a good or service even if payment has not been made
- the payment for a good or service

When is an expenditure made?

The earliest of the following events:

- the placement of an order for a good or service
- a promise or an agreement to pay
- the signing of a contract for a good or service
- the delivery of a good or service
- the making of a payment for a good or service

HOW DO I REPORT INDEPENDENT EXPENDITURES?

If you or your organization makes an independent expenditure, you must file the attached report with the Commission. The independent expenditure report form is also available on the Commission's website at www.maine.gov/ethics under "Forms and Guides." The filer must report the date, amount, payee, and purpose of the expenditure, and must allocate the cost among the different candidates affected by the expenditure, indicating whether the expenditure was made in support of or in opposition to each candidate. The Election Law requires the report to contain a notarized statement disclosing whether the expenditure was made in cooperation or consultation with the candidate, so please locate a notary public in advance of the filing deadline.

HOW DO I FILE AN INDEPENDENT EXPENDITURE REPORT?

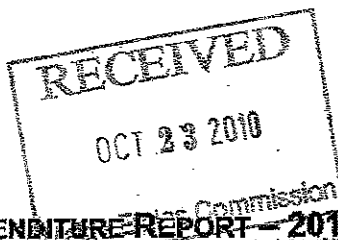
Independent expenditure reports can be filed in person at the Commission's office during regular business hours (Monday through Friday from 8:00 a.m. to 5:00 p.m.). Filers may also submit the reports anytime by fax to (207) 287-6775, provided that the original report is received by the Commission within five calendar days. If the deadline for an independent expenditure report falls on a weekend or holiday, the report must be filed on that day, usually by fax. On the Saturday and Sunday before an election, the Commission office is open and staffed from 8:00 a.m. to 5:30 p.m. and reports can be filed in person on those days. Otherwise, the report must be faxed to the Commission at (207) 287-6775. Independent expenditure reports cannot be filed electronically on the Commission's website because they must be notarized.

WHAT IF THE COST OF A COMMUNICATION IS LESS THAN \$100 PER CANDIDATE?

If the person making the communication did not spend or obligate more than \$100 per candidate to design, produce, or disseminate the communication, no independent expenditure report is necessary. However, once the aggregated costs for any candidate exceed \$100, a report must be filed for independent expenditures regarding that candidate.

Please note that if an organization uses materials produced by another entity (e.g., a legislative scorecard), the cost of producing that material must be included in the total amount for that communication.

If you have any questions about whether an expenditure for a communication has to be reported as an independent expenditure, please contact the Commission staff at (207) 287-4179 or refer to the Commission staff's memo, Advice Regarding Independent Expenditures for the 2010 Elections, on the Commission's website, www.maine.gov/ethics.



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 Mail: 135 State House Station, Augusta, Maine 04333
 Office: 45 Memorial Circle, Augusta, Maine

Website: www.maine.gov/ethics

Phone: 207-287-4179

Fax: 207-287-6775

INDEPENDENT EXPENDITURE REPORT - 2010 GENERAL ELECTION

Name of Person/Committee Making Expenditure(s)

Republican State Leadership Committee -
Maine PAC

Mailing Address

1800 Diagonal Road, Suite 230

City, Zip Code

Alexandria, VA 22314

Telephone

(571) 480-4860

The requirement to file an independent expenditure report is based on the total or aggregate amount spent per candidate for the election. When the total expenditures per candidate exceeds the threshold amount, a report must be filed by the appropriate deadline.

Please check the appropriate box for the report you are filing and complete the notarized affidavit and attached schedules.

Reports must be filed on weekends and holidays if that is when they are due by faxing the report to the Commission (287-6775). The Commission must receive the signed original report within 5 days after the fax was received.

Is this an amendment to a previously filed report? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Date report was filed: <u>10/23/10</u>
TOTAL INDEPENDENT EXPENDITURES OVER \$250 PER CANDIDATE			
MADE BEFORE SEPTEMBER 7, 2010:			
<input type="checkbox"/> September Summary Report	Expenditures through September 6	Due by 5:00 p.m. on September 7	
MADE ON OR AFTER SEPTEMBER 7 THROUGH OCTOBER 19, 2010:			
<input type="checkbox"/> 48-Hour Report	Within 48 hours of exceeding \$250		
TOTAL INDEPENDENT EXPENDITURES OVER \$100 PER CANDIDATE BUT NOT MORE THAN \$250			
MADE BEFORE OCTOBER 20, 2010:			
<input type="checkbox"/> October Summary Report	Expenditures through September 30	Due by 5:00 p.m. on October 12	
<input type="checkbox"/> 14-Day Pre-Election Report	Expenditures through October 19	Due by 5:00 p.m. on October 19	
TOTAL INDEPENDENT EXPENDITURES OVER \$100 PER CANDIDATE WITHIN 13 DAYS BEFORE THE ELECTION			
MADE ON OR AFTER OCTOBER 20 THROUGH NOVEMBER 2, 2010:			
<input checked="" type="checkbox"/> 24-Hour Report	Within 24 hours of exceeding \$100		

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Stan A. Guede
 Signature of PAC or Party Treasurer, or
 Other Authorized Person Making Expenditure(s)

10/23/10
 Date



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

INDEPENDENT EXPENDITURE REPORT – 2010 GENERAL ELECTION

AFFIDAVIT

STATE OF Virginia
COUNTY OF Fairfax

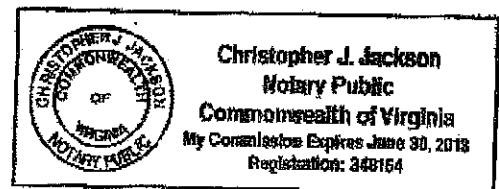
I, ASLC-Maine PAC, being duly sworn, attest that I made each of the expenditures listed in the attached report independently, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidates named in the report or the authorized committees or agents of the candidates.

Signature of Affiant

Sworn to before me, this 23 day of October, 2010

(Notary Public/Attorney at Law)

My commission expires: June 30 2013



Independent Expenditure Report - 2010 General Election

Page 1 of 1
(Schedule B-IE-1 only)

Schedule B-IE-1

CANDIDATE(S) SUPPORTED/OPOSED

- Please list all candidates that were the subjects of independent expenditures.
- If more than one candidate was the subject of the expenditure, allocate the expenditure among the candidates.

Office sought by candidate (including district # or county)	Candidate's name	Indicate whether expenditure was made in support of or in opposition to the candidate	Amount expended this reporting period for each candidate
SD-15	Deb Simpson	Oppose	87,467.50
SD-15	Lois Snowe-Mello	Support	9,515.50
SD-24	Patsy Crockett	Oppose	73,321.90
SD-24	Roger Katz	Support	7,890.10
SD-25	Pamela Trinward	Oppose	70,063.50
SD-25	Thomas Martin	Support	7,655.50
SD-28	Jim Schatz	Oppose	65,387.50
SD-28	Brian Langley	Support	6,908.50
SD-32	Joe Perry	Oppose	63,851.50
SD-32	Nichi Farnham	Support	6,908.50
Total expenditures for all candidates this reporting period. This amount should equal the total independent expenditures listed on Schedule B-IE-2, Line C.			= 398,970.00

Independent Expenditure Report - 2010 General Election

Page 1 of 1
(Schedule B-IE-2 only)

Schedule B-IE-2

PAYMENTS AND OBLIGATIONS

- Please indicate the date, payee, expenditure type, and amount of each expenditure.
- If you are reporting an agreement or obligation to make a future payment, please check (✓) the box next to the expenditure type.

Expenditure Types				
LIT	Printing and graphics (flyers, signs, postcards, etc.)	PRT	Print media ads only (newspapers, magazines)	
MHS	Mail house (all services purchased)	RAD	Radio ads, production costs	
PHO	Phone banks, automated telephone calls	TVN	TV or cable ads, production costs	
POL	Polling and research survey	WEB	Website design, registration, hosting, maintenance, etc.	
POS	Postage for U.S. Mail and mail box fees	OTH	Other (include description)	
Date of expenditure	Payee, address, zip code	Expenditure type	✓	Amount
10/22/10	CrossRoads Media LLC 66 Canal Center Plaza #655 Alexandria, VA 22314	TVN		240,432.74
10/22/10	CrossRoads Media LLC 66 Canal Center Plaza #655 Alexandria, VA 22314	RAD		38,308.26
10/22/10	Arena Communications 1780 W Sequoia Vista Circle Salt Lake City, UT 84104	MHS		75,678.00
10/22/10	Arena Communications 1780 W Sequoia Vista Circle Salt Lake City, UT 84104	POS		22,551.00
10/22/10	Target Point Consulting, Inc. 66 Canal Center Plaza #655 Alexandria, VA 22314	POL		22,000.00
A. Expenditures for this page =>				398,970.00
B. Total for all other Schedule B-IE-2 pages (if any) =>				0.00
C. Total independent expenditures for this reporting period (A+B). This amount should equal the total amount for all candidates listed on Schedule B-IE-1. =>				398,970.00

21-A MRSA §1019-B. REPORTS OF INDEPENDENT EXPENDITURES

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure":

A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and [2003, c. 448, §3 (NEW) .]

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 35 days, including election day, before a general election; or during a special election until and on election day. [2007, c. 443, Pt. A, §20 (AMD) .]

[2007, c. 443, Pt. A, §20 (AMD) .]

2. Rebutting presumption. A person presumed under this section to have made an independent expenditure may rebut the presumption by filing a signed written statement with the commission within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

[2003, c. 448, §3 (NEW) .]

3. (TEXT EFFECTIVE UNTIL 8/1/11) (TEXT REPEALED 8/1/11) Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2 A. [2009, c. 524, §6 (RPR) .]

B. A report required by this subsection must contain an itemized account of each expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17 A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate. [2009, c. 524, §6 (RPR) .]

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. [2009, c. 524, §6 (RPR) .]

This subsection is repealed August 1, 2011.

[2009, c. 524, §6 (RPR) .]

4. (TEXT EFFECTIVE 8/1/11) Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100

during any one candidate's election shall file a report with the commission. In the case of a municipal election in a town or city that has chosen to be governed by this subchapter, a copy of the same information must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2 A. [2009, c. 524, §7 (NEW).]

B. A report required by this subsection must contain an itemized account of each expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17 A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate. [2009, c. 524, §7 (NEW).]

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. [2009, c. 524, §7 (NEW).]

This subsection takes effect August 1, 2011.

[2009, c. 524, §7 (NEW) .]

SECTION HISTORY

2003, c. 448, §3 (NEW). 2007, c. 443, Pt. A, §20 (AMD). 2009, c. 366, §12 (AFF). 2009, c. 366, §5 (AMD). 2009, c. 524, §§6, 7 (AMD).

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SECTION 7. EXPENDITURES

1. **Expenditures by Consultants, Employees, and Other Agents of a Political Campaign.** Each expenditure made on behalf of a candidate, political committee, or political action committee by any person, agency, firm, organization, etc., employed or retained for the purpose of organizing, directing, managing or assisting the candidate, the candidate's committee, or the political action committee must be reported separately by the candidate or committee as if made or incurred by the candidate or committee directly. The report must include the name of the third party vendor or payee to whom the expenditure was made, the date of the expenditure, and the purpose and amount of the expenditure. It is not sufficient to report only the total retainer or fee paid to the person, agency, firm, organization, etc., if that retainer or fee was used to pay third party vendors or payees for campaign-related goods and services.
2. **Expenditures by Political Action Committees.** In addition to the requirements set forth in 21-A M.R.S.A. §1060(4), the reports must contain the purpose of each expenditure and the name of each payee and creditor.
3. **Timing of Reporting Expenditures**
 - A. Placing an order with a vendor for a good or service; signing a contract for a good or service; the delivery of a good or the performance of a service by a vendor; or a promise or an agreement (including an implied one) that a payment will be made constitutes an expenditure, regardless whether any payment has been made for the good or service.
 - B. Expenditures must be reported at the earliest of the following events:
 - (1) The placement of an order for a good or service;
 - (2) The signing of a contract for a good or service;
 - (3) The delivery of a good or the performance of a service by a vendor;
 - (4) A promise or an agreement (including an implied one) that a payment will be made; or
 - (5) The making of a payment for a good or service.
 - C. At the time the duty to report an expenditure arises, the person submitting the report is required to determine the value of goods and services to be rendered (preferably through a written statement from the vendor) and to report that value as the amount of the expenditure. If the expenditure involves more than one candidate election, the report must include an allocation of the value to each of those candidate elections.

SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes an independent expenditure aggregating in excess of \$100 per candidate in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
 - A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
 - B. "Expressly advocate" means any communication that uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!".
 - C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures must be reported to the Commission in accordance with the following provisions:
 - A. Independent expenditures aggregating in excess of \$100 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following reporting schedule, unless required to be reported according to the schedule in paragraph B.
 - (1) **Quarterly Reports.** Quarterly reports must be filed by 5:00 p.m. on:
 - (a) January 15th and be complete as of January 5th;
 - (b) April 10th and be complete as of March 31st;
 - (c) July 15th and be complete as of July 5th; and
 - (d) October 10th and be complete as of September 30th.
 - (2) **Pre-Election Report.** A report must be filed by 5:00 p.m. on the 14th day before the election is held and be complete as of that day.

If the total of independent expenditures made to support or oppose a candidate exceeds \$100, each subsequent amount spent to support or oppose the candidate

must be reported as an independent expenditure according to the schedule in this paragraph or paragraph B.

- B. Independent expenditures aggregating in excess of \$250 per candidate made on or before September 6th must be reported by 5:00 p.m. on September 7th.

Independent expenditures aggregating in excess of \$250 per candidate made within the period starting on September 7th and ending on the 14th day before the general election must be reported within 48 hours of those expenditures, including on a weekend, holiday, or state government shutdown day.

[NOTE: THIS MEANS THAT WHEN THE CUMULATIVE AMOUNT OF EXPENDITURES TO SUPPORT OR OPPOSE A CANDIDATE EXCEEDS \$250, AN INDEPENDENT EXPENDITURE MUST BE FILED WITH THE COMMISSION WITHIN 48 HOURS OF GOING OVER THE \$250 THRESHOLD.

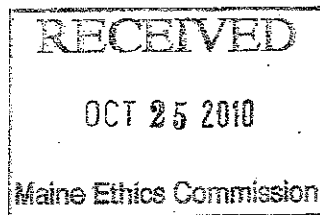
FOR EXAMPLE, IF AN INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES THREE EXPENDITURES OF \$100 IN SUPPORT OF A CANDIDATE ON SEPTEMBER 10TH, SEPTEMBER 15TH, AND OCTOBER 1ST, AN INDEPENDENT EXPENDITURE REPORT MUST BE FILED BY OCTOBER 3RD. THE THIRD EXPENDITURE OF \$100 MADE THE CUMULATIVE TOTAL OF EXPENDITURES EXCEED \$250 AND THE 48-HOUR REPORTING REQUIREMENT WAS TRIGGERED ON OCTOBER 1ST. THE REPORT MUST INCLUDE ALL THREE EXPENDITURES.

AFTER OCTOBER 1ST, IF THAT INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES ADDITIONAL EXPENDITURES TO SUPPORT THAT CANDIDATE, THE REQUIREMENT TO FILE AN INDEPENDENT EXPENDITURE REPORT WITHIN 48 HOURS WILL APPLY ONLY IF THE CUMULATIVE TOTAL SPENT AFTER OCTOBER 1ST EXCEEDS \$250. FOR EXAMPLE, IF THE INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES TWO PAYMENTS OF \$200 TO PROMOTE THE CANDIDATE ON OCTOBER 10TH AND OCTOBER 15TH, ANOTHER INDEPENDENT EXPENDITURE REPORT MUST BE FILED BY OCTOBER 17TH DISCLOSING THOSE TWO EXPENDITURES.]

Independent expenditures aggregating in excess of \$100 per candidate made after the 14th day before the general election must be reported within 24 hours of those expenditures, including on a weekend, holiday, or state government shutdown day.

- C. Reports must contain information as required by Title 21-A, chapter 13, subchapter II (§§ 1016-1017-A), and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate. Reports filed after the eighth day before an election must include the following information:

1. the date on which the person making the expenditure placed the order with the vendor for the goods or services;
2. the approximate date when the vendor began providing design or any other services in connection with the expenditure;



DWALKER@PRETI.COM
Daniel W. Walker, Esquire

October 25, 2010

Mr. Jonathan Wayne
Executive Director
Maine Commission Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

RE: Request for Investigation into the Republican State Leadership Committee-Maine PAC

Dear Jonathan,

On behalf of the Maine Democratic Party, I respectfully request that the Commission investigate Independent Expenditure Report 142 filed by the Republican State Leadership Committee-Maine PAC around 1 p.m. on Saturday October 23rd. The Maine Democratic Party has reason to believe that the report fails to comply with the statutory reporting requirements.

Under 21-A M.R.S.A. Section 1012(3)(A) and Commission Rule 94-270 Chapter 1, Section 7(3), an expenditure must be reported at the time of obligation regardless of whether any payment has been made for the good or service. Further, under Commission Rule 94-270 Chapter 1, Section 10(3)(B), expenditures at this point in the campaign season must be reported within 24 hours.

First, the October 23rd Report, Schedule B-IE-2, discloses television ad expenditures to Crossroads Media LLC of \$240,432.74 on October 22, 2010. However, the Maine Democratic Party has obtained documentation of a television purchase from WFVX-TV in Bangor by Crossroads Media LLC on behalf of the Republican State Leadership Committee-Maine PAC. (attached "Exhibit 1") This document established that a \$7,110 television purchase was made by Crossroads Media LLC on behalf of the Republican State Leadership Committee-Maine PAC before 11 a.m. on October 22, 2010. Because this expenditure was not reported by the Republican State Leadership Committee-Maine PAC in any other report, it is presumably a part of the television buy disclosed in the Report. At a minimum this expenditure was reported 2 hours beyond the 24 hour statutory deadline.

Second, the attached Exhibit 1 also reveals that the ad will begin airing on WFVX-TV on Monday October 25, 2010 at 7 a.m. In order for the ads to air early Monday morning, it must have been provided to the station on Friday because the station is closed over the weekend. Subsequent conversations with the station have confirmed that the ad in question was received by Friday. Given that the ads were provided on Friday, production of the ads must have begun before that date. However, the Republican State Leadership Committee-Maine PAC failed to disclose that expenditure as required under Maine law.

Third, the Report discloses mail house and postage expenditures to Arena Communications of \$75,678 and \$22,551 on October 22, 2010. The Maine Democratic Party has obtained a copy of this mailing which was received October 23, 2010 by a concerned citizen and attached herein as Exhibit 2. There is no feasible way that a mailing could be produced, printed, mailed, and delivered before 1 p.m. on October 22nd such that it could be received by mail on October 23, 2010. The Republican State Leadership Committee-Maine PAC clearly began production of this piece before October 22nd and failed to report that expenditure under Maine law.

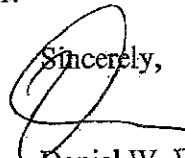
Fourth, the Report also lists a \$22,000 expenditure to Target Point Consulting, Inc. for polling made October 22, 2010. The Maine Democratic Party believes this polling was directly related to the production of the television ads because it is common practice to conduct polling during the development of political ads. Furthermore, the Maine Democratic Party has received reports of related polling conducted prior to October 22, 2010. Finally, Target Point Consulting, Inc. is the same group that conducted the polls investigated by this Commission at the request of the Maine Democratic Party. During that investigation, Target Point Consulting did not identify the client for whom they were polling. The Party believes it is highly unlikely that an out-of-state polling company would be operating for more than one client in a single election cycle and suspects that the Republican State Leadership Committee-Maine PAC was behind those polls and failed to report them as required under Maine law.

The above stated instances illustrate a willful failure by the Republican State Leadership Committee-Maine PAC to comply with Maine law. The Party suspects that reporting of these expenditures was intentionally delayed by the RSLC in the hopes that the United States Supreme Court would grant an injunction against Maine's matching funds provision in the Respect Maine PAC v. McKee case. On Friday October 22nd, the Court refused to grant this injunction. It appears that the Republican State Leadership Committee-Maine PAC waited until that decision to report these expenditures and, in so doing, willfully violated the law.

Pursuant to the foregoing reasons, the Maine Democratic Party respectfully requests that the Commission investigate the Republican State Leadership Committee-Maine PAC's failure to comply with Maine law.

Thank you for your attention to this matter.

Sincerely,



Daniel W. Walker

DWW/sbf
Enclosure



OCT22/10 10.40
CON # 9303269 UNCF V.1
REP MILLENNIUM SALES & MARKETING
TO WFVX-TV
FM ANDY HAUCK 202-955-5342 /
OFF WASHINGTON (2 SALESPERSON FAX# 917-206-8662
AGY CROSSROADS MEDIA LLC
ADDR 66 CANAL CENTER PLAZA, SUITE 555 PH # 703-299-1760
ALEXANDRIA VA 22314

BYR NOELLE RAMSEY
ADV POLITICAL ISSUE GROU
PDT RSLC - MAINE D-32
FLT OCT25/10 - NOV01/10

REP ORDER COMMENT
NEW POLITICAL ORDER
PLEASE CONFIRM

MC LN	DAYS	TIMES	LEN	EFF DATES	CLS SEC	NPW PLA	RATE	TOT SPT
1	M-F	10-1030P	30	OCT25-OCT29	1W	1	85.00	1
	PGM=NEWS							
2	MON	10-1030P	30	NOV01	1W	1	85.00	1
	PGM=NEWS							
3	SUN	10-11A	30	OCT31	1W	2	45.00	2
	PGM=FOX NEWS SUNDAY							

TOTAL 260.00 (4)

OCT10(3) 175.00 NOV10(1) 85.00

MARKET TOTALS \$5,200
WFVX 5% CABL 0% UNKN 95% WABI 0% WBAN 0%
WLBZ 0% WVII 0%

SVC- NSI BOOKS- LAST
DEMOS- RA35+P

*** START OF COMMENTS *****

CON CMT RSLC - MAINE 32

*** END OF COMMENTS *****

OCT22/10 10.53
 CON # 9303270 UNCF V.1
 REP MILLENNIUM SALES & MARKETING
 TO WVII-TV
 FM ANDY HAUCK 202-955-5342 /
 OFF WASHINGTON (2 SALESPERSON FAX# 917-206-8662
 AGY CROSSROADS MEDIA LLC
 ADDR 66 CANAL CENTER PLAZA, SUITE 555 PH # 703-299-1760
 ALEXANDRIA VA 22314

BYR NOELLE RAMSEY
 ADV POLITICAL ISSUE GROU
 PDT RSLC - MAINE D-32
 FLT OCT25/10 - NOV01/10

REP ORDER COMMENT
 NEW POLITICAL ORDER
 PLEASE CONFIRM

MC LN	DAYS	TIMES	LEN	EFF DATES	CLS SEC	NPW PLA	RATE	TOT SPT
1	M-SU	11-1135P	30	OCT25-OCT31	1W	4	40.00	4
	PGM=NEWS							
2	MON	11-1135P	30	NOV01	1W	1	40.00	1
	PGM=NEWS							
3	M-F	7-9A	30	OCT25-OCT29	1W	4	40.00	4
	PGM=GMA							
4	MON	7-9A	30	NOV01	1W	1	40.00	1
	PGM=GMA							
5	M-F	9-10A	30	OCT25-OCT29	1W	5	35.00	5
	PGM=REGIS							
6	MON	9-10A	30	NOV01	1W	1	35.00	1
	PGM=REGIS							
7	M-F	11A-12N	30	OCT25-OCT29	1W	4	50.00	4
	PGM=VIEW							

0

OCT22/10 10.53
 CON # 9303270 UNCF V.1
 REP MILLENNIUM SALES & MARKETING (CONTINUED)

MC LN	DAYS	TIMES	LEN	EFF DATES	CLS SEC	NPW PLA	RATE	TOT SPT
8	MON	11A-12N	30	NOV01	1W	1	50.00	1
	PGM=VIEW							
9	M-F	1230P-4P	30	OCT25-OCT29	1W	4	60.00	4
	PGM=SOAPS							
10	MON	1230P-4P	30	NOV01	1W	1	60.00	1
	PGM=SOAPS							
11	M-F	6-630P	30	OCT25-OCT29	1W	4	125.00	4
	PGM=NEWS							
12	MON	6-630P	30	NOV01	1W	1	125.00	1
	PGM=NEWS							
13	M-F	7-730P	30	OCT25-OCT29	1W	2	600.00	2
	PGM=WHEEL							
14	M-F	730-8P	30	OCT25-OCT29	1W	4	700.00	4
	PGM=JEOPARDY							
15	SAT	7-8P	30	OCT30	1W	1	125.00	1
	PGM=WHEEL/JEOPARDY							
16	MON	8-10P	30	NOV01	1W	1	1,200.00	1
	PGM=DWTS							

TOTAL 7110.00 (39)

OCT10(32) 5560.00 NOV10(7) 1550.00

MARKET TOTALS \$35,550
 WVII 20% CABL 0% UNKN 80% WABI 0% WBAN 0%
 WFVX 0% WLBZ 0%

OCT22/10 10.53
CON # 9303270 UNCF V.1
REP MILLENNIUM SALES & MARKETING

(CONTINUED)

SVC- NSI BOOKS- LAST
DEMOS- RA35+P

*** START OF COMMENTS *****

CON CMT RSLC - MAINE 32

*** END OF COMMENTS *****

JOE PERRY needs to keep his hands out of your pockets!!!



**Even in these hard economic times,
Joe Perry proposed a tax on heating oil.¹**

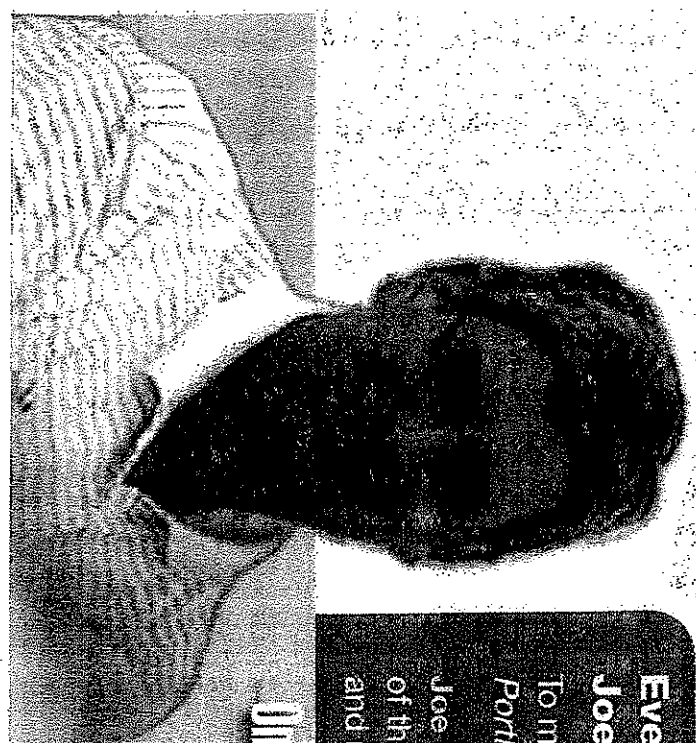
To make matters worse, Perry wanted to raise our taxes while being lambasted by the *Portland Press Herald* for Carelessness With Public Money.²

Joe Perry wanted to raise our taxes¹ after he was fined for violating three provisions of the *Clean Elections Act* for mispending public funds through overdraft transfers, and mixing public and private funds together in accounts.²

On November 2,

VOTE AGAINST JOE PERRY.

¹ Paid for by the Republican State Leadership Committee-Maine PAC, 1800 Diagonal Road, Alexandria, VA 22314.
² NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE





LET'S HOPE IT'S COLD ENOUGH THIS WINTER THAT
JOE PERRY
WILL KEEP HIS HANDS IN HIS OWN POCKETS.

Republican State Leadership Committee
1800 Diagonal Road, Suite 230
Alexandria, VA 22314

*****E*****
THE PERRY HOUSEHOLD
OR CURRENT RESIDENT
237 GROVE ST
BANGOR ME 04401-4009



NON-PROFIT ORG
U.S. POSTAGE
PAID
ISSUE MAIL

43595 C 0357-0100

October 27, 2010

Mr. Jonathan Wayne
Executive Director
Maine Commission Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

RE: Complaint against the Republican State Leadership Committee-Maine PAC

Dear Jonathan,

On behalf of the Maine Democratic Party, I am filing a formal complaint against the Republican State Leadership Committee-Maine PAC. I respectfully request that the Commission find that Independent Expenditure Report 142 filed by the Republican State Leadership Committee-Maine PAC at 12:38 p.m. on Saturday October 23rd fails to comply with the statutory reporting requirements. After having made such a finding, I respectfully urge the Commission to assess, at the same or later hearing, the maximum penalty available under Maine law.

On October 25, 2010, the Party filed a request for investigation into this matter and the Commission ordered an investigation on October 26, 2010 but declined to permit the Party to present its evidence so the Commission could determine whether a violation occurred. Although the ongoing investigation will be of value in determining a penalty, an investigation is unnecessary in order for the Commission to find whether a violation occurred. Because the party has presented prima facie evidence that a violation has occurred, and because a response by the RSLC to address whether a violation occurred does not require the gathering of evidence from its vendors, it is unnecessary for the Commission to provide the Republican State Leadership Committee-Maine PAC with any additional time to respond beyond the 24 hours provided for under Maine law. I therefore, respectfully request that this Commission render a final decision on this complaint within 24 hours as required under Maine law.

Under 21-A M.R.S.A. section 1012(3)(A) and Commission Rule 94-270 Chapter 1, Section 7(3), an expenditure must be reported at the time of obligation regardless of whether any payment has been made for the good or service. Further, under Commission Rule 94-270 Chapter 1, Section 10(3)(B), expenditures at this point in the campaign season must be reported within 24 hours.

First, the Report, Schedule B-IE-2, discloses television ad expenditures to Crossroads Media LLC of \$240,432.74 on October 22, 2010. However, the Maine Democratic Party has obtained documentation of a television purchase from WFVX-TV in Bangor by Crossroads Media LLC on behalf of the Republican State Leadership Committee-Maine PAC. See Attached "Exhibit 1." This document established that a \$7,110 television purchase was made by Crossroads Media LLC on behalf of the Republican State Leadership Committee-Maine PAC as early as 10:36 a.m. on October 22, 2010. Because this expenditure was not reported by the

Republican State Leadership Committee-Maine PAC in any other report, it is presumably a part of the television buy disclosed in the Report. In fact, the Republican State Leadership Committee-Maine PAC filed several no activity reports prior to the report in question. See Attached "Exhibit 8." At a minimum, this expenditure was reported 2 hours beyond the 24 hour statutory deadline. Additionally, the Republican State Leadership Committee-Maine PAC appears to have provided this Commission with material misrepresentations by filing no activity reports while making significant expenditures to influence Maine elections.

Second, the attached Exhibit 1 also reveals that ads began airing on WFVX-TV on Monday October 25, 2010 at 7 a.m. Moreover, Exhibits 3 and 4 show that the ads began airing on WGME at 5 a.m. on Monday, October 25, 2010 and WCSH beginning 12 p.m. on Monday October 25, 2010. The Party was told by WFVX staff that the station received the ads on Friday, October 22, 2010. In order for the ads on WFVX, WGME, and WCSH to air early Monday morning, they must have been provided to the stations on Friday. Given that the ads were provided on Friday, production of the ads must have begun before that date. Production of television ads usually takes at least a couple of days and requires the following process: 1. the customer polls the electorate to determine a message for the ad; 2. the vendor develops a treatment and script based on the message identified through polling; 3. the customer reviews the treatment and script; 4. the customer and vendor trade several revisions of the script; 5. the ad is produced; 6. the ad is reviewed by the customer's legal counsel for compliance with Maine election law; 7. the customer informs the vendor that the ad is finalized and approves the purchase of air time and distribution of the ad to the stations; 8. the ad is mailed to stations; and 9. the ad is received by the station and formatted for airing on the station's broadcast equipment. Although production of the ads began before the date of filing the IE Report 142, the Republican State Leadership Committee-Maine PAC failed to disclose that expenditure as required under Maine law.

Third, the Report discloses mail house and postage expenditures to Arena Communications of \$75,678 and \$22,551 on October 22, 2010. The Maine Democratic Party has obtained a copy of one of these mailings which was received on October 23, 2010 by Joe Perry and attached herein as Exhibit 2. Additional people have contacted the Maine Democratic Party to indicate that the mail piece was received as early as 10 a.m. that morning, nearly three hours before the independent expenditure report was filed. There is no feasible way that a mailing could be produced, printed, mailed, and delivered before 1 p.m. on October 22nd such that it could be received by mail on October 23, 2010. The normal process for developing mail pieces requires at least three to four days wherein the following process occurs: 1. the customer discusses the intent of the piece with the vendor; 2. the vendor develops draft mailings and provides them to the customer; 3. the customer reviews the drafts and approves one; 4. the customer and vendor trade several revisions of the piece; 5. the piece is reviewed by the customer's legal counsel for compliance with Maine election law; 6. the customer informs the vendor that the piece is finalized and approves printing and mailing of the piece; 7. the piece is printed and mailed through bulk-rate shipping; and 8. the piece arrives at voter residences within 1 to 3 days. In this case, the Republican State Leadership Committee-Maine PAC reported the October 22nd expenditure on October 23rd at 12:38 p.m., nearly three hours after the mailing was received by a voter. Exhibits 5, 6, and 7 are provided here as additional examples of the mailings which were received on October 23rd, and October 25th respectfully. It is clear that the

Republican State Leadership Committee-Maine PAC began production of these pieces before October 22nd and failed to report that expenditure under Maine law.

Fourth, the Report also lists a \$22,000 expenditure to Target Point Consulting, Inc. for polling made October 22, 2010. The Maine Democratic Party believes this polling was directly related to the production of the television ads because it is common practice to conduct polling during the development of political ads. Furthermore, the Maine Democratic Party has received reports of related polling conducted prior to October 22, 2010. Finally, Target Point Consulting, Inc. is the same group that conducted the polls in late September investigated by this Commission at the request of the Maine Democratic Party. During that investigation, Target Point Consulting did not identify the client for whom they were polling. The Party believes it is highly unlikely that an out-of-state polling company would be operating for more than one client in a single election cycle and suspects that the Republican State Leadership Committee-Maine PAC was behind those polls and failed to report them as required under Maine law in filings due on October 12th, October 22nd, and other various independent expenditure reporting deadlines. See Attached "Exhibit 8."

The above stated instances illustrate a willful failure by the Republican State Leadership Committee-Maine PAC to comply with Maine law. The Party suspects that reporting of these expenditures was intentionally delayed by the RSLC in the hopes that the United States Supreme Court would grant an injunction against Maine's matching funds provision in the Respect Maine PAC v. McKee case. Had this occurred, the report filed by the RSLC on Saturday would not have triggered any matching funds. On Friday October 22nd, the Court refused to grant this injunction. It appears that the Republican State Leadership Committee-Maine PAC waited until that decision to report these expenditures and, in so doing, willfully violated the law.

The RSLC is a sophisticated national organization that has willfully late-filed one of the largest independent expenditures in Maine history (nearly \$400,000) and should be assessed an appropriate penalty. Under 21-A MRSA Section 1020-A(4-A), this includes "a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late." Additionally, 21-A MRSA Section 1127(1) allows for a fine of up to \$10,000 per violation which would be appropriate because "the failure to file a timely and accurate report resulted in the late payment of matching funds" to Deb Simpson, Patsy Crockett, Pamela Trinward, Jim Shatz, and Joe Perry. The purpose of these penalties is to discourage similar behavior in the future to ensure the integrity of Maine's clean election system by penalizing violators through monetary assessments. Such a penalty is designed not only to cost the violator money but also political cache, or integrity, prior to the election. The party does understand that the assessment of a penalty of the magnitude that is appropriate for this case may be time consuming. However, if this Commission delays the finding of a violation against an organization of the size and sophistication of the RSLC, relating to one of the biggest independent expenditures in recent memory, until after the election, it will send a signal to similar organizations that they can willfully violate Maine's election law without being held accountable in a timely and effective manner: any violation determined after Election Day would simply be viewed as a cost of doing business.

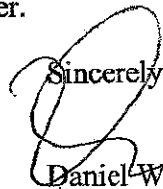
Maine law is clear: decisions on agenda items must be decided within 24 hours. The Commission has before it a formal complaint by the Party against the RSLC, and with all due

respect, the Commission is required to rule on this complaint within 24 hours. The ruling must include, at a minimum, a decision on whether a violation occurred. Maine law does not permit the Commission any discretion to provide additional time to either party to develop their case unless the parties so agree. The Maine Democratic Party does not consent to the allowance of additional time for a determination of a violation.

The purpose of the 24 hour requirement is to protect Maine election law against parties who willfully violate the reporting requirements in an intentional effort to bar the public from knowing the source and amount of money spent to influence Maine elections, and/or to disadvantage opposing candidates by denying prompt matching funds. The Maine Legislature recognized that these risks are acutely heightened during the week before an election and imposed a 24 hour requirement on this Commission to promptly resolve issues arising during that time and protect against these threats. Those who participate in Maine election campaigns must abide by those requirements whether or not it is convenient for them to do so.

Pursuant to the foregoing reasons, the Maine Democratic Party respectfully requests that the Commission rule that the Republican State Leadership Committee-Maine PAC violated Maine law and, at this or a later proceeding, assess the maximum penalty under the law.

Thank you for your attention to this matter.

Sincerely,

Daniel W. Walker

DWW/jac
Enclosure



OCT22/10 10.40
CON # 9303269 UNCF V.1
REP MILLENNIUM SALES & MARKETING
TO WFVX-TV
FM ANDY HAUCK 202-955-5342 /
OFF WASHINGTON (2 SALESPERSON FAX# 917-206-8662
AGY CROSSROADS MEDIA LLC
ADDR 66 CANAL CENTER PLAZA, SUITE 555 PH # 703-299-1760
ALEXANDRIA VA 22314

BYR NOELLE RAMSEY
ADV POLITICAL ISSUE GROU
PDT RSLC - MAINE D-32
FLT OCT25/10 - NOV01/10

REP ORDER COMMENT
NEW POLITICAL ORDER
PLEASE CONFIRM

MC LN	DAYS	TIMES	LEN	EFF DATES	CLS	NPW	RATE	TOT
					SEC	PLA		SPT
1	M-F	10-1030P	30	OCT25-OCT29	1W	1	85.00	1
PGM=NEWS								
2	MON	10-1030P	30	NOV01	1W	1	85.00	1
PGM=NEWS								
3	SUN	10-11A	30	OCT31	1W	2	45.00	2
PGM=FOX NEWS SUNDAY								

TOTAL 260.00 (4)

OCT10(3) 175.00 NOV10(1) 85.00

MARKET TOTALS \$5,200
WFVX 5% CABL 0% UNKN 95% WABI 0% WBAN 0%
WLBZ 0% WVII 0%

SVC- NSI BOOKS- LAST
DEMOS- RA35+P

*** START OF COMMENTS *****

CON CMT RSLC - MAINE 32

*** END OF COMMENTS *****

OCT22/10 10.53
 CON # 9303270 UNCF V.1
 REP MILLENNium SALES & MARKETING
 TO WVII-TV
 FM ANDY HAUCK 202-955-5342 /
 OFF WASHINGTON (2 SALESPERSON FAX# 917-206-8662
 AGY CROSSROADS MEDIA LLC
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 ADV POLITICAL ISSUE GROU
 PDT RSLC - MAINE D-32
 FLT OCT25/10 - NOV01/10

REP ORDER COMMENT
 NEW POLITICAL ORDER
 PLEASE CONFIRM

MC LN	DAYS	TIMES	LEN	EFF DATES	CLS SEC	NPW PLA	RATE	TOT SPT
1	M-SU	11-1135P	30	OCT25-OCT31	1W	4	40.00	4
	PGM=NEWS							
2	MON	11-1135P	30	NOV01	1W	1	40.00	1
	PGM=NEWS							
3	M-F	7-9A	30	OCT25-OCT29	1W	4	40.00	4
	PGM=GMA							
4	MON	7-9A	30	NOV01	1W	1	40.00	1
	PGM=GMA							
5	M-F	9-10A	30	OCT25-OCT29	1W	5	35.00	5
	PGM=REGIS							
6	MON	9-10A	30	NOV01	1W	1	35.00	1
	PGM=REGIS							
7	M-F	11A-12N	30	OCT25-OCT29	1W	4	50.00	4
	PGM=VIEW							

0

OCT22/10 10.53
 CON # 9303270 UNCF V.1
 REP MILLENNIUM SALES & MARKETING (CONTINUED)

MC LN	DAYS	TIMES	LEN	EFF DATES	CLS SEC	NPW PLA	RATE	TOT SPT
8	MON	11A-12N	30	NOV01	1W	1	50.00	1
PGM=VIEW								
9	M-F	1230P-4P	30	OCT25-OCT29	1W	4	60.00	4
PGM=SOAPS								
10	MON	1230P-4P	30	NOV01	1W	1	60.00	1
PGM=SOAPS								
11	M-F	6-630P	30	OCT25-OCT29	1W	4	125.00	4
PGM=NEWS								
12	MON	6-630P	30	NOV01	1W	1	125.00	1
PGM=NEWS								
13	M-F	7-730P	30	OCT25-OCT29	1W	2	600.00	2
PGM=WHEEL								
14	M-F	730-8P	30	OCT25-OCT29	1W	4	700.00	4
PGM=JEOPARDY								
15	SAT	7-8P	30	OCT30	1W	1	125.00	1
PGM=WHEEL/JEOPARDY								
16	MON	8-10P	30	NOV01	1W	1	1,200.00	1
PGM=DWTS								

TOTAL 7110.00 (39)

OCT10(32) 5560.00 NOV10(7) 1550.00

MARKET TOTALS \$35,550
 WVII 20% CABL 0% UNKN 80% WABI 0% WBAN 0%
 WFXV 0% WLBZ 0%

OCT22/10 10.53
CON # 9303270 UNCF V.1
REP MILLENNIUM SALES & MARKETING

(CONTINUED)

SVC- NSI BOOKS- LAST
DEMOS- RA35+P

*** START OF COMMENTS *****

CON CMT RSLC - MAINE 32

*** END OF COMMENTS *****

WVII-TV Bangor Communications, Inc.



371 Target Industrial Circle
Bangor, Maine 04401
Phone: 207-945-6457
1-800-499-9844
Fax: 207-942-0511

October 27, 2010

To Whom It May Concern,

Attached you will see copies of orders for advertising placed by the Republican State Leadership Committee. The time stamp at the top of the paper indicates they were received 10:36 and 10:53 am on 10/22.

Regards,

A handwritten signature in black ink, appearing to be 'MP' or similar, written over a horizontal line.

Michael E. Palmer
Vice President and General Manager



OCT22/10 10.38
 CON # 9303265 UNCF V.1
 REP MILLENNIUM SALES & MARKETING
 TO WVII-TV
 FM ANDY HAUCK 202-955-5342 /
 OFF WASHINGTON (2 SALESPERSON FAX# 917-206-8662
 AGY CROSSROADS MEDIA LLC
 ADDR 66 CANAL CENTER PLAZA, SUITE 555 PH # 703-299-1760
 ALEXANDRIA VA 22314

BYR NOELLE RAMSEY
 ADV POLITICAL ISSUE GROU
 PDT RSLC - MAINE D-28
 FLT OCT25/10 - NOV01/10

Republican State
 Leadership Comm.

#20815
 Newunder

REP ORDER COMMENT
 NEW POLITICAL ORDER
 PLEASE CONFIRM

MC LN	DAYS	TIMES	LEN	EFF DATES	CLS SEC	NPW PLA	RATE	TOT SPT
1	M-SU	11-1135P	30	OCT25-OCT31	1W	4	40.00	4
	PGM=NEWS							
2	MON	11-1135P	30	NOV01	1W	1	40.00	1
	PGM=NEWS							
3	M-F	7-9A	30	OCT25-OCT29	1W	4	40.00	4
	PGM=GMA							
4	MON	7-9A	30	NOV01	1W	1	40.00	1
	PGM=GMA							
5	M-F	9-10A	30	OCT25-OCT29	1W	5	35.00	5
	PGM=REGIS							
6	MON	9-10A	30	NOV01	1W	1	35.00	1
	PGM=REGIS							
7	M-F	11A-12N	30	OCT25-OCT29	1W	6	50.00	6
	PGM=VIEW							

CONFIRMED

Date 10/22/10

①

OCT22/10 10.53
 CON # 9303270 UNCF V.1
 REP MILLENNIUM SALES & MARKETING
 TO WVII-TV
 FM ANDY HAUCK 202-955-5342 /
 OFF WASHINGTON (2 SALESPERSON FAX# 917-206-8662
 AGY CROSSROADS MEDIA LLC
 ADDR 66 CANAL CENTER PLAZA, SUITE 555 PH # 703-299-1760
 ALEXANDRIA VA 22314

BYR NOELLE RAMSEY
 ADV POLITICAL ISSUE GROU
 PDT RSLC - MAINE D-32
 FLT OCT25/10 - NOV01/10

#20816
 Newweek

REP ORDER COMMENT
 NEW POLITICAL ORDER
 PLEASE CONFIRM

MC LN	DAYS	TIMES	LEN	EFF DATES	CLS SEC	NPW PLA	RATE	TOT SPT
1	M-SU	11-1135P	30	OCT25-OCT31	1W	4	40.00	4
	PGM=NEWS							
2	MON	11-1135P	30	NOV01	1W	1	40.00	1
	PGM=NEWS							
3	M-F	7-9A	30	OCT25-OCT29	1W	4	40.00	4
	PGM=GMA							
4	MON	7-9A	30	NOV01	1W	1	40.00	1
	PGM=GMA							
5	M-F	9-10A	30	OCT25-OCT29	1W	5	35.00	5
	PGM=REGIS							
6	MON	9-10A	30	NOV01	1W	1	35.00	1
	PGM=REGIS							
7	M-F	11A-12N	30	OCT25-OCT29	1W	4	50.00	4
	PGM=VIEW							

CONFIRMED

Date 10/22/10

0

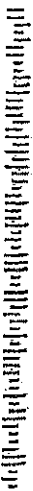
Paid for by the Republican State Leadership Committee-Maine PAC, 1800 Diagonal Road, Alexandria, VA 22314.
NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE



LET'S HOPE IT'S COLD ENOUGH THIS WINTER THAT
JOE PERRY
WILL KEEP HIS HANDS IN HIS OWN POCKETS.

Republican State Leadership Committee
1800 Diagonal Road, Suite 230
Alexandria, VA 22314

*****EEDRSH**C015 P-1 P28
THE PERRY HOUSEHOLD
OR CURRENT RESIDENT:
237 GROVE ST
BANDOR ME 04401-4009



NON PROFIT ORG
U.S. POSTAGE
PAID
ISSUE MAIL



WGME Portland
81 Northport Dr
Portland, ME 04103

Crossroads Media-Alexandria
86 Canal Center Plaza
Ste 555
Alexandria, VA 22314

Contract # 980247

Schedule Dates

10/25/10-11/01/10

Advertiser

Republican Senate Leadership Committee (43865)

Agency

Crossroads Media-Alexandria (2097)

Product

POLITICAL ISSUE (ns) (1187)

Brand

RSLC MAINE D-15 (344275)

Salesperson

Millennium/DC, Washington DC (1108)

Sales Office

Millennium Washington DC

Buyer Name

RAMSEY, NOELLE

Phone/Fax

/

CPE

N/A

Account Types

National/Political Issue Agency BRD

Billing Type

Weekly/Irregular

Comments

RSLC MAINE D-15

Date Entered 10/22/10

Last Modified

Entered By Meghan Myers

CO-OP

Headline # No

Demo ECR09303071

Order Type Normal

Package Deal

Commission % 15.00

Commission \$2,610.00

Net Total \$14,790.00

Sales Tax

Portland (WGME)

By Broadcast Month

Oct 2010

Nov 2010

Grand Total:

Spots

30

2

32

Rate

\$16,350.00

\$1,050.00

\$17,400.00

Due to: Pending line Approvals (Contract is shown with Pending Workflow Approvals applied)

INCOMPLETE CONTRACT

Line	Line Type / Break Type (Ref #)	Dates	Sec	Length	Run Times	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Spots	Rate	Total	Station	Comments	Entered
Est 1.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	11P-11:35P (EST)	2	X	X	X	X	X			2	\$400.00	\$800.00	Portland (WGME)	NEWS	10/22/10
Est 2.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/04/10	2	:30	11P-11:35P (EST)	1	X							1	\$400.00	\$400.00	Portland (WGME)	NEWS	10/22/10
Est 3.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	5A-6A (EST)	3	X	X	X	X	X			3	\$300.00	\$900.00	Portland (WGME)	NEWS	10/22/10
Est 4.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	9A-11:57A (EST)	1	1	1	1	1	1			5	\$100.00	\$500.00	Portland (WGME)	AM ROT	10/22/10
Est 5.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	11:58A-12:30P (EST)	1	1	1	1	1	1			5	\$200.00	\$1,000.00	Portland (WGME)	NEWS	10/22/10
Est 6.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	3P-3:57P (EST)	2	X	X	X	X	X			2	\$175.00	\$350.00	Portland (WGME)	JUDY	10/22/10
Est 7.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	5P-5:30P (EST)	3	X	X	X	X	X			3	\$650.00	\$1,950.00	Portland (WGME)		10/22/10
Est 8.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/04/10	2	:30	5P-5:30P (EST)	1	X							1	\$650.00	\$650.00	Portland (WGME)	NEWS	10/22/10
Est 9.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	5:30P-6P (EST)	3	X	X	X	X	X			3	\$550.00	\$1,650.00	Portland (WGME)	NEWS	10/22/10

CONFIRMATION CONTRACT

Accepted-Agency/Advertiser: _____ Date: _____

Accepted-Station: *MM* Date: *10/22/10*

Comments: _____

Blumberg No. 5118

EXHIBIT

3



WGME Portland
81 Northport Dr
Portland, ME 04103

Crossroads Media-Alexandria
66 Canal Center Plaza
Ste 555
Alexandria, VA 22314

Contract # 550247
Schedule Dates 10/25/10-11/01/10
Advertiser Republican Senate Leadership Committee (43669)
Agency Crossroads Media-Alexandria (2097)
Product POLITICAL ISSUE (ns) (1167)
Brand RSLC MAINE D-15 (344275)
Salesperson Millennium/DC, Washington DC (1108)
Sales Office Millennium Washington DC
Buyer Name RAMSEY, NOELLE
Phone/Fax /
CPE N/A
Account Types National/Political Issue Agency BRD
Billing Type Weekly/Regular
Comments RSLC MAINE D-15

Usage Estimate 10/22/10
Last Modified
Entered By Meghan Myers
CO-OP No
Headline # ECR09303071
Demo
Order Type Normal
Package Deal
Commission % 15.00
Commission \$2,610.00
Net Total \$14,790.00
Sales Tax

By Broadcast Month
Oct. 2010 30 \$16,350.00
Nov. 2010 2 \$1,050.00
Grand Total: 32 \$17,400.00

Due to: Pending line Approvals (Contract is shown with Pending Workflow Approvals applied)

INCOMPLETE CONTRACT

Line	Line Type / Break Type (Ref #)	Dates	Sec	Length	Run Times	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Spots	Rate	Total	Station	Comments	Entered
Est 10.0	Unapproved (New) on credit hold /	10/25/10-10/29/10	2	:30	6P-7P (EST)	3	X	X	X	X	X			3	\$1,200.00	\$3,600.00	Portland (WGME)	NEWS	10/22/10
Est 11.0	Unapproved (New) on credit hold /	10/31/10-10/31/10	2	:30	6P-10P (EST)	1							X	1	\$1,100.00	\$1,100.00	Portland (WGME)	UNDERCOVER BOSS	10/22/10
Est 12.0	Unapproved (New) on credit hold /	10/26/10-10/26/10	2	:30	7:58P- 9P (EST)	1		X						1	\$1,600.00	\$1,600.00	Portland (WGME)	NCIS	10/22/10
Est 13.0	Unapproved (New) on credit hold /	10/28/10-10/28/10	2	:30	10P- 11P (EST)	1			X					1	\$1,000.00	\$1,000.00	Portland (WGME)	MENTALIST	10/22/10
Est 14.0	Unapproved (New) on credit hold /	10/31/10-10/31/10	2	:30	8P- 9P (EST)	1							X	1	\$1,600.00	\$1,600.00	Portland (WGME)	AMAZING RACE	10/22/10

CONFIRMATION CONTRACT

Accepted-Agency/Advertiser:

Date:

Accepted-Station:

Date:

Comments:



WGME Portland
81 Northport Dr
Portland, ME 04103

Crossroads Media-Alexandria
86 Canal Center Plaza
Ste 555
Alexandria, VA 22314

Contract # 980251
Schedule Dates 10/25/10-11/01/10
Advertiser Republican Senate Leadership Committee (43869)
Agency Crossroads Media-Alexandria (2097)
Product POLITICAL ISSUE (ns) (1187)
Brand RSLC MAINE D-24 (344278)
Salesperson Millennium/DC, Washington DC (1108)
Sales Office Millennium Washington DC
Buyer Name RAMSEY, NOELLE
Phone/Fax /
CPE N/A
Account Types National/Political Issue Agency BRD
Billing Type Weekly/Irregular
Comments RSLC MAINE D-24

Date Entered 10/22/10
Last Modified
Entered By Meghan Myers
CO-OP No
Headline # ECR09303073
Demo
Order Type Normal
Package Deal
Commission % 15.00
Commission \$2,670.00
Net Total \$15,130.00
Sales Tax

Portland (WGME)
By Broadcast Month
Oct. 2010 Spots 30 Rate \$15,150.00
Nov. 2010 6 \$2,650.00
Grand Total: 36 \$17,800.00

Due to: Pending Line Approvals (Contract is shown with Pending Workflow Approvals applied)

INCOMPLETE CONTRACT

Line	Line Type / Break Type (Ref #)	Dates	Sec	Length	Run Times	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Spots	Rate	Total	Station	Comments	Entered
Est 1.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	11P-11:35P (EST)	3	X	X	X	X	X			3	\$400.00	\$1,200.00	Portland (WGME)	NEWS	10/22/10
Est 2.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	4:57A-4:59A (EST)	3	X	X	X	X				3	\$300.00	\$900.00	Portland (WGME)	NEWS	10/22/10
Est 3.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	9A-11:57A (EST)	4	X	X	X	X	X			4	\$100.00	\$400.00	Portland (WGME)	AM ROT	10/22/10
Est 4.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	11:58A-12:30P (EST)	1	1	1	1	1	1			5	\$200.00	\$1,000.00	Portland (WGME)	NEWS	10/22/10
Est 5.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	3P-3:57P (EST)	4	X	X	X	X	X			4	\$175.00	\$700.00	Portland (WGME)	JUDY	10/22/10
Est 6.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	4:57P-5:30P (EST)	2	X	X	X	X	X			2	\$650.00	\$1,300.00	Portland (WGME)	NEWS	10/22/10
Est 7.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	5:30P-6P (EST)	3	X	X	X	X	X			3	\$650.00	\$1,950.00	Portland (WGME)	NEWS	10/22/10
Est 8.0	Unapproved (New) on credit hold / SPOT	10/25/10-10/29/10	2	:30	6P-7P (EST)	1	X	X	X	X	X			1	\$1,200.00	\$1,200.00	Portland (WGME)	NEWS	10/22/10
Est 9.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/04/10	2	:30	6P-7P (EST)	1	X							1	\$1,200.00	\$1,200.00	Portland (WGME)	NEWS	10/22/10

CONFIRMATION CONTRACT

Accepted-Agency/Advertiser:	Date:	Accepted-Station:	Date:	Comments:



WGME Portland
81 Northport Dr
Portland, ME 04103

Crossroads Media-Alexandria
66 Canal Center Plaza
Ste 555
Alexandria, VA 22314

CONFIRMATION CONTRACT
Schedule Dates: 10/25/10-11/01/10
Advertiser: Republican Senate Leadership Committee (43855)
Agency: Crossroads Media-Alexandria (2097)
Product: POLITICAL ISSUE (ns) (1187)
Brand: RSLC MAINE D-24 (344278)
Salesperson: Millennium/DC, Washington DC (1108)
Sales Office: Millennium Washington DC
Buyer Name: RAMSEY, ANCELLE
Phone/Fax: /
CPE: N/A
Account Types: National/Political Issue Agency BRD
Billing Type: Weekly/Irregular
Comments: RSLC MAINE D-24
Wave Entered: 10/22/10
Last Modified: Meghan Myers
Entered By: No
Headline #: ECR09303073
Demo: Normal
Order Type: Normal
Package Deal: 15.00
Commission %: \$2,670.00
Commission: \$15,130.00
Net Total: Sales Tax

By Broadcast Month	Spots	Rate
Oct. 2010	30	\$15,150.00
Nov. 2010	6	\$2,650.00
Grand Total:	36	\$17,800.00

Due to: Pending line Approvals (Contract is shown with Pending Workflow Approvals applied)

INCOMPLETE CONTRACT

Line	Line Type / Break Type (Ref #)	Dates	Sec	Length	Run Times	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Spots	Rate	Total	Station	Comments	Entered
Est 10.0	Unapproved (New) on credit hold / Prime	10/31/10-10/31/10	2	:30	8P-10P (EST)	1							X	1	\$1,100.00	\$1,100.00	Portland (WGME)	UNDERCOVER BOSS	10/22/10
Est 11.0	Unapproved (New) on credit hold / Prime Premium	10/26/10-10/26/10	2	:30	7:58P-9P (EST)	1		X						1	\$1,600.00	\$1,600.00	Portland (WGME)	NCIS	10/22/10
Est 12.0	Unapproved (New) on credit hold / Prime	10/26/10-10/26/10	2	:30	10P-11P (EST)	1			X					1	\$1,000.00	\$1,000.00	Portland (WGME)	MENTALIST	10/22/10
Est 13.0	Unapproved (New) on credit hold / Prime	10/31/10-10/31/10	2	:30	6:58P-8P (EST)	1							X	1	\$2,500.00	\$2,500.00	Portland (WGME)	60 MINUTES	10/22/10
Est 14.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	11P-11:30P (EST)	1	X							1	\$400.00	\$400.00	Portland (WGME)	NEWS	10/22/10
Est 15.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	4:57P-5:30P (EST)	1	X							1	\$650.00	\$650.00	Portland (WGME)	NEWS	10/22/10
Est 16.0	Unapproved (New) on credit hold / SPOT	10/31/10-10/31/10	2	:30	4:57A-4:59A (EST)	1						X		1	\$300.00	\$300.00	Portland (WGME)	NEWS	10/22/10
Est 17.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	11:58A-12:30P (EST)	1	X							1	\$200.00	\$200.00	Portland (WGME)	NEWS	10/22/10
Est 18.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	5A-11:57A (EST)	2	X							2	\$100.00	\$200.00	Portland (WGME)	AM ROT	10/22/10

CONFIRMATION CONTRACT

Accepted-Agency/Advertiser:

Date:

Accepted-Station:

Date:

Comments:



WGME Portland
81 Northport Dr
Portland, ME 04103

Crossroads Media-Alexandria
56 Canal Center Plaza
Ste 555
Alexandria, VA 22314

Contract # 980254
Schedule Date 10/25/10-11/04/10
Advertiser Republican Senate Leadership Committee (43869) - Entered By Meghan Myers
Agency Crossroads Media-Alexandria (2097) CO-OP No
Product POLITICAL ISSUE (me) (1187) Headline # ECR09303072
Brand RSLC MAINE D-25 (344279) Demo
Salesperson Millennium/Dc, Washington DC (1108) Order Type Normal
Sales Office Millennium Washington DC Package Deal
Buyer Name RAMSEY, NOELLE Commission % 15.00
Phone/Fax / Commission \$2,670.00
CPE N/A Net Total \$15,130.00
Account Types National/Political Issue Agency BRD Sales Tax
Billing Type Weekly/Irregular
Comments RSLC MAINE D-25

Portland (WGME)
By Broadcast Month
Oct. 2010 31 \$16,150.00
Nov. 2010 5 \$1,650.00
Grand Total: 36 \$17,800.00

INCOMPLETE CONTRACT

Due to: Pending line Approvals (Contract is shown with Pending Workflow Approvals applied)

Line	Line Type / Break Type (Ref #)	Dates	Sec	Length	Run Times	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Spots	Rate	Total	Station	Comments	Entered
Est 1.0	Unapproved (New!) on credit hold / SPOT	10/25/10-10/29/10	2	:30	11P-11:35P (EST)	3	X	X	X	X	X			3	\$400.00	\$1,200.00	Portland (WGME)	NEWS	10/22/10
Est 2.0	Unapproved (New!) on credit hold / SPOT	10/25/10-10/29/10	2	:30	5A-5:57A (EST)	3	X	X	X	X	X			3	\$300.00	\$900.00	Portland (WGME)	NEWS	10/22/10
Est 3.0	Unapproved (New!) on credit hold / SPOT	10/25/10-10/29/10	2	:30	9A-11:57A (EST)	1	1	1	1	1	1			5	\$100.00	\$500.00	Portland (WGME)	AM ROT	10/22/10
Est 4.0	Unapproved (New!) on credit hold / SPOT	10/25/10-10/29/10	2	:30	11:58A-12:30P (EST)	1	1	1	1	1	1			5	\$200.00	\$1,000.00	Portland (WGME)	NEWS	10/22/10
Est 5.0	Unapproved (New!) on credit hold / SPOT	10/25/10-10/29/10	2	:30	3P-3:57P (EST)	4	X	X	X	X	X			4	\$175.00	\$700.00	Portland (WGME)	JUDY	10/22/10
Est 6.0	Unapproved (New!) on credit hold / SPOT	10/25/10-10/29/10	2	:30	5P-5:30P (EST)	2	X	X	X	X	X			2	\$650.00	\$1,300.00	Portland (WGME)	NEWS	10/22/10
Est 7.0	Unapproved (New!) on credit hold / SPOT	10/25/10-10/29/10	2	:30	5:30P-6P (EST)	3	X	X	X	X	X			3	\$650.00	\$1,950.00	Portland (WGME)	NEWS	10/22/10
Est 8.0	Unapproved (New!) on credit hold / SPOT	10/25/10-10/29/10	2	:30	6P-7P (EST)	2	X	X	X	X	X			2	\$1,200.00	\$2,400.00	Portland (WGME)	NEWS	10/22/10
Est 9.0	Unapproved (New!) on credit hold / Prime	10/31/10-10/31/10	2	:30	8P-10P (EST)	1							X	1	\$1,100.00	\$1,100.00	Portland (WGME)	UNDERCOVER BOSS	10/22/10

CONFIRMATION CONTRACT

Accepted-Agency/Advertiser:

Date:

Accepted-Station:

Date:

Comments:

MA

10/22/10



WGME Portland
81 Northport Dr
Portland, ME 04103

Crossroads Media-Alexandria
66 Canal Center Plaza
Ste 555
Alexandria, VA 22314

Contract # 201234
Schedule Dates 10/25/10-11/01/10
Advertiser Republican Senate Leadership Committee (43869)
Agency Crossroads Media-Alexandria (2097)
Product POLITICAL ISSUE (MS) (1187)
Brand RSLC MAINE D-25 (344279)
Salesperson Millennium/DC, Washington DC (1106)
Sales Office Millennium Washington DC
Buyer Name RAMSEY, NOELLE
Phone/Fax /
CPE N/A
Account Types National/Political Issue Agency BRD
Billing Type Weekly/Irregular
Comments RSLC MAINE D-25

Order Entered 10/22/10
Last Modified
Entered By Meghan Myers
CO-OP No
Headline # ECR09303072
Demo
Order Type Normal
Package Deal
Commission % 15.00
Commission \$2,670.00
Net Total \$15,130.00
Sales Tax

Portland (WGME)
By Broadcast Month
Oct. 2010 31 \$15,150.00
Nov. 2010 5 \$1,650.00
Grand Total: 36 \$17,800.00

INCOMPLETE CONTRACT

Due to: Pending line Approvals (Contract is shown with Pending Workflow Approvals applied)

Line	Line Type / Break Type (Ref #)	Dates	Sec	Length	Run Times	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Spots	Rate	Total	Station	Comments	Entered
Est 10.0	Unapproved (New) on credit hold / Prime Premium	10/26/10-10/26/10	2	:30	7:58P- 9P (EST)	1		X						1	\$1,650.00	\$1,650.00	Portland (WGME)	NCIS	10/22/10
Est 11.0	Unapproved (New) on credit hold / Prime	10/28/10-10/28/10	2	:30	10P- 11P (EST)	1			X					1	\$1,000.00	\$1,000.00	Portland (WGME)	MENTALIST	10/22/10
Est 12.0	Unapproved (New) on credit hold / Prime	10/31/10-10/31/10	2	:30	6:58P- 8P (EST)	1						X		1	\$2,500.00	\$2,500.00	Portland (WGME)	60 MINUTES	10/22/10
Est 13.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	11P- 11:35P (EST)	1	X							1	\$400.00	\$400.00	Portland (WGME)	NEWS	10/22/10
Est 14.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	5P- 5:57A (EST)	1	X							1	\$300.00	\$300.00	Portland (WGME)	NEWS	10/22/10
Est 15.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	9A- 11:57A (EST)	1	X							1	\$100.00	\$100.00	Portland (WGME)	AM ROT	10/22/10
Est 16.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	5P- 5:30P (EST)	1	X							1	\$650.00	\$650.00	Portland (WGME)	NEWS	10/22/10
Est 17.0	Unapproved (New) on credit hold / SPOT	11/01/10-11/01/10	2	:30	11:58A- 12:30P (EST)	1	X							1	\$200.00	\$200.00	Portland (WGME)	NEWS	10/22/10

CONFIRMATION CONTRACT

Accepted-Agency/Advertiser:

Date:

Accepted-Station:

Date:

Comments:



WCSH
One Congress Square
Portland, ME 04101
(207)828-6666

www.wcshtv.com

Contract / Revision		Alt Order #	
522578 /		05377633	
Contract Dates		Product	
10/25/10 - 11/01/10		RSLC MAINE15	
Advertiser		Est. #	
Republican Senatorial Le		0514	
Original Date / Revision		10/22/10 / 10/22/10	

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
Totals												
Week:		10/25/10	10/31/10	-TWTF--				5	\$100.00			
6	WCSH	10/25/10	10/29/10	M-F 12-1230p	12p-1230p		:30			NM	4	\$1,300.00
Week:		10/25/10	10/31/10	MTWTF--				4	\$325.00			
7	WCSH	10/25/10	10/29/10	News Center @ 5p	5p-530p		:30			NM	1	\$1,800.00
Week:		10/25/10	10/31/10	MTWTF--				1	\$1,800.00			
8	WCSH	10/25/10	10/29/10	News Center @ 530p	530p-6p		:30			NM	1	\$2,000.00
Week:		10/25/10	10/31/10	MTWTF--				1	\$2,000.00			
9	WCSH	10/25/10	10/29/10	Tonight Show	1135p-1235a		:30			NM	5	\$800.00
Week:		10/25/10	10/31/10	MTWTF--				5	\$160.00			
10	WCSH	10/31/10	10/31/10	Early News (Sa-Su)	6-7p		:30			NM	1	\$1,800.00
Week:		10/25/10	10/31/10	-----5				1	\$1,800.00			
11	WCSH	10/30/10	10/31/10	Late News (Sa-Su)	11p-1130p		:30			NM	2	\$800.00
Week:		10/25/10	10/31/10	-----55				2	\$400.00			
12	WCSH	10/30/10	10/30/10	Bill Green's Maine	7p-730p		:30			NM	1	\$375.00
Week:		10/25/10	10/31/10	-----S-				1	\$375.00			
13	WCSH	11/01/10	11/01/10	NEWS CENTER at 11 (M	11p-1135p		:30			NM	1	\$475.00
Week:		11/01/10	11/07/10	M-----				1	\$475.00			
14	WCSH	11/01/10	11/01/10	Late Night w/Jimmy F	1237am-136am		:30			NM	1	\$20.00
Week:		11/01/10	11/07/10	M-----				1	\$20.00			
15	WCSH	11/01/10	11/01/10	Morning Report	5a-7a		:30			NM	1	\$825.00

(* Line Transactions: N = New, E = Edited, D = Deleted)

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TERMS: Due 15th day of the Month following Broadcast.





WCSH
One Congress Square
Portland, ME 04101
(207)828-6666

www.wcshtv.com

Contract / Revision		Alt. Order #	
522576 /		06377633	
Contract Dates		Product	
10/25/10 - 11/01/10		PSLC MAINE15	
Advertiser		Est. #	
Republican Senatorial Le		9514	
Original Date / Revision			
10/22/10 / 10/22/10			

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
Totals												
Week:	11/01/10	11/07/10	Weekdays	M-----				1	\$825.00			
16	WCSH	11/01/10	11/01/10	Today 2/3	9-11a		:30			NM	2	\$400.00
Week:	11/01/10	11/07/10	Weekdays	M-----				2	\$200.00			
17	WCSH	11/01/10	11/01/10	Rachel Ray	11a-12p		:30			NM	1	\$100.00
Week:	11/01/10	11/07/10	Weekdays	M-----				1	\$100.00			
18	WCSH	11/01/10	11/01/10	Tonight Show	1135p-1235a		:30			NM	1	\$160.00
Week:	11/01/10	11/07/10	Weekdays	M-----				1	\$160.00			
Totals												
Time Period			# of Spots	Gross Amount	Net Amount							
09/27/10 - 10/31/10			43	\$16,125.00	\$13,708.25							
11/01/10 - 11/01/10			7	\$1,980.00	\$1,683.00							
Totals			50	\$18,105.00	\$15,391.25							

Signature: _____

Date: _____

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CONTRACT



WCSH
One Congress Square
Portland, ME 04101
(207)828-6666

www.wcshtv.com

And:

Crossroads Media
88 Canal Center Plaza Suite 555
Alexandria, VA 22314

Contract / Revision		Alt Order #	
522673 /		05377676	
Product			
RSLC MAINE24			
Contract Dates		Est. #	
10/25/10 - 11/01/10		9617	
Advertiser		Original Date / Revision	
Republican Senatorial Legislative Committee		10/22/10 / 10/22/10	
Billing Cycle	Billing Calendar	Cash/Trade	
EOM/EOC	Broadcast	Cash	
Station	Account Executive	Sales Office	
WCSH	Jim Quinn	Telerep Philade	
Special Handling			
Demographic			
Adults 35+			
IDB#	Advertiser Code	Product Code	
Agency Ref	Advertiser Ref		

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
1	WCSH	10/25/10	10/29/10	NEWS CENTER at 11 (M)	11p-1135p		:30			NM	5	\$2,375.00
		Start Date	End Date	Weekdays	Spots/Week							
		Week: 10/25/10	10/31/10	MTWTF--	5			\$475.00				
2	WCSH	10/25/10	10/29/10	Late Night w/Johnny F	1237am-136am		:30			NM	5	\$100.00
		Start Date	End Date	Weekdays	Spots/Week							
		Week: 10/25/10	10/31/10	MTWTF--	5			\$20.00				
3	WCSH	10/25/10	10/29/10	Morning Report	6a-7a		:30			NM	3	\$2,475.00
		Start Date	End Date	Weekdays	Spots/Week							
		Week: 10/25/10	10/31/10	-TWTF--	3			\$825.00				
4	WCSH	10/25/10	10/29/10	Today 2/3	9-11a		:30			NM	10	\$2,000.00
		Start Date	End Date	Weekdays	Spots/Week							
		Week: 10/25/10	10/31/10	-TWTF--	10			\$200.00				
5	WCSH	10/25/10	10/29/10	Rachel Ray	11a-12p		:30			NM	5	\$500.00

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TERMS: Due 15th day of the Month following Broadcast.



WCSH
One Congress Square
Portland, ME 04101
(207) 828-6666

www.wcshtv.com

Contract / Revision		Alt. Order #	
522573 /		05377876	
Contract Dates		Product	Est. #
10/25/10 - 11/01/10		RSLC MAINE24	9517
Advertiser		Original Date / Revision	
Republican Senatorial Le		10/22/10 / 10/22/10	

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
Totals												
Week:		10/25/10	10/31/10	Weekdays				5	\$100.00			
8	WCSH	10/25/10	10/29/10	M-F 12-1230p	12p-1230p		:30			NM	3	\$975.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		10/25/10	10/31/10	MTWTF--	3				\$325.00			
Week:		10/25/10	10/31/10	MTWTF--								
7	WCSH	10/25/10	10/29/10	News Center @ 5p	5p-530p		:30			NM	1	\$1,800.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		10/25/10	10/31/10	MTWTF--	1				\$1,800.00			
Week:		10/25/10	10/31/10	MTWTF--								
8	WCSH	10/25/10	10/29/10	News Center @ 530p	530p-6p		:30			NM	1	\$2,000.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		10/25/10	10/31/10	MTWTF--	1				\$2,000.00			
Week:		10/25/10	10/31/10	MTWTF--								
9	WCSH	10/25/10	10/29/10	Tonight Show	1135p-1235a		:30			NM	5	\$800.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		10/25/10	10/31/10	MTWTF--	5				\$160.00			
Week:		10/25/10	10/31/10	MTWTF--								
10	WCSH	10/31/10	10/31/10	Early News (Sa-Su)	6-7p		:30			NM	1	\$1,600.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		10/25/10	10/31/10	-----S	1				\$1,600.00			
Week:		10/25/10	10/31/10	-----S								
11	WCSH	10/30/10	10/31/10	Late News (Sa-Su)	11p-1130p		:30			NM	2	\$800.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		10/31/10	10/31/10	-----SS	2				\$400.00			
Week:		10/25/10	10/31/10	-----SS								
12	WCSH	10/30/10	10/30/10	Bill Green's Maine	7p-730p		:30			NM	1	\$375.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		10/31/10	10/31/10	-----S-	1				\$375.00			
Week:		10/25/10	10/31/10	-----S-								
13	WCSH	11/01/10	11/01/10	NEWS CENTER at 11 (M	11p-1135p		:30			NM	1	\$475.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		11/01/10	11/07/10	M-----	1				\$475.00			
Week:		11/01/10	11/07/10	M-----								
14	WCSH	11/01/10	11/01/10	Late Night w/Jimmy F	1237am-139am		:30			NM	1	\$20.00
		Start Date	End Date	Weekdays	Spots/Week				Rate			
		11/01/10	11/07/10	M-----	1				\$20.00			
Week:		11/01/10	11/07/10	M-----								
15	WCSH	11/01/10	11/01/10	Morning Report	5a-7a		:30			NM	1	\$825.00

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TERMS: Due 15th day of the month following Broadcast.



WCSH
One Congress Square
Portland, ME 04101
(207)828-6666

www.wcshtv.com

Contract / Revision		Alt Order #	
522573 /		05377676	
Contract Dates		Product	
10/26/10 - 11/01/10		RSLC MAINE24	
Advertiser		Est. #	
Republican Senatorial Le		9517	
Original Date / Revision		10/22/10 / 10/22/10	

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
Totals												
Week:		11/01/10	11/07/10	Weekdays				1	\$825.00			
16	WCSH	11/01/10	11/01/10	Today 2/3	9-11a		:30			NM	2	\$400.00
Week:		11/01/10	11/07/10	Weekdays				2	\$200.00		1	\$100.00
17	WCSH	11/01/10	11/01/10	Rachel Ray	11a-12p		:30			NM	1	\$100.00
Week:		11/01/10	11/07/10	Weekdays				1	\$100.00		1	\$100.00
18	WCSH	11/01/10	11/01/10	Tonight Show	1135p-1235a		:30			NM	1	\$180.00
Week:		11/01/10	11/07/10	Weekdays				1	\$180.00		1	\$180.00
19	WCSH	11/01/10	11/01/10	M-F 12-1230p	12p-1230p		:30			NM	1	\$325.00
Week:		11/01/10	11/07/10	Weekdays				1	\$325.00		1	\$325.00
Totals											50	\$18,105.00

Signature: _____

Date: _____

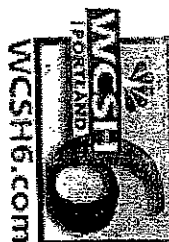
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TERMS: Due 15th day of the Month following Broadcast.

CONTRACT



WCSH
One Congress Square
Portland, ME 04101
(207)828-6666
www.wcshtv.com

www.wcshtv.com

And:

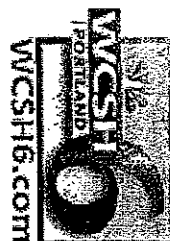
Crossroads Media
88 Canal Center Plaza Suite 555
Alexandria, VA 22314

Product		Contract / Revision		Alt. Order #	
FSLC MAINE25		622572 /		05377695	
Contract Dates		Est. #			
10/25/10 - 11/01/10		9520			
Advertiser		Original Date / Revision			
Republican Senatorial Legislative Committee		10/22/10 / 10/22/10			
Billing Cycle	Billing Calendar	Cash/Trade			
EOM/EOC	Broadcast	Cash			
Station	Account Executive	Sales Office			
WCSH	Jim Quinn	Teleport Philadel			
Special Handling					
Demographic					
Adults 35+					
IDB#	Advertiser Code	Product Code			
Agency Ref	Advertiser Ref				

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
1	WCSH	10/25/10	10/29/10	NEWS CENTER at 11 (M	11p-1135p		:30			NM	5	\$2,375.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
		Week: 10/25/10	10/31/10	MTWTF--				5	\$475.00			
2	WCSH	10/25/10	10/29/10	Late Night w/Jimmy F	1237xm-136xm		:30			NM	5	\$100.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
		Week: 10/25/10	10/31/10	MTWTF--				5	\$20.00			
3	WCSH	10/25/10	10/29/10	Morning Report	5a-7a		:30			NM	3	\$2,475.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
		Week: 10/25/10	10/31/10	-TWTF--				3	\$825.00			
4	WCSH	10/25/10	10/29/10	Today 2/3	9-11a		:30			NM	10	\$2,000.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
		Week: 10/25/10	10/31/10	-TWTF--				10	\$200.00			
5	WCSH	10/25/10	10/29/10	Rachel Ray	11a-12p		:30			NM	5	\$500.00

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WCSH
One Congress Square
Portland, ME 04101
(207)828-6666

www.wcshtv.com

Contract / Revision		Alt. Order #	
522572 /		05377695	
Contract Dates	10/25/10 - 11/01/10	Product	FSIC MAINE25
Advertiser	Republican Senatorial Le	Est. #	5520
Original Date / Revision		10/22/10 / 10/22/10	

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
Totals												
Week:		10/25/10	10/31/10	-TWTF--				6	\$100.00			
6	WCSH	10/25/10	10/29/10	M-F 12-1230p	12p-1230p		:30			NM	4	\$1,300.00
Week:		10/25/10	10/31/10	MTWTF--				4	\$325.00			
7	WCSH	11/01/10	11/01/10	News Center @ 5p	5p-530p		:30			NM	1	\$1,800.00
Week:		11/01/10	11/07/10	M-----				1	\$1,800.00			
8	WCSH	10/25/10	10/29/10	News Center @ 530p	530p-6p		:30			NM	1	\$2,000.00
Week:		10/25/10	10/31/10	MTWTF--				1	\$2,000.00			
9	WCSH	10/26/10	10/26/10	Tonight Show	1136p-1235a		:30			NM	5	\$800.00
Week:		10/26/10	10/31/10	MTWTF--				5	\$160.00			
10	WCSH	10/31/10	10/31/10	Early News (Sa-Su)	6-7p		:30			NM	1	\$1,600.00
Week:		10/25/10	10/31/10	-----S				1	\$1,600.00			
11	WCSH	10/30/10	10/31/10	Late News (Sa-Su)	11p-1130p		:30			NM	2	\$800.00
Week:		10/26/10	10/31/10	-----SS				2	\$400.00			
12	WCSH	10/30/10	10/30/10	Bill Green's Maine	7p-730p		:30			NM	1	\$375.00
Week:		10/25/10	10/31/10	-----S-				1	\$375.00			
13	WCSH	11/01/10	11/01/10	NEWS CENTER at 11 (M	11p-1135p		:30			NM	1	\$475.00
Week:		11/01/10	11/07/10	M-----				1	\$475.00			
14	WCSH	11/01/10	11/01/10	Late Night w/Jimmy F	1237am-136am		:30			NM	1	\$20.00
Week:		11/01/10	11/07/10	M-----				1	\$20.00			
15	WCSH	11/01/10	11/01/10	Morning Report	5a-7a		:30			NM	1	\$825.00

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WCSH
One Congress Square
Portland, ME 04101
(207)828-6666
wcsh6.com

www.wcsh6.com

Contract/Revision		Alt. Order #	
522572 /		05377695	
Contract Dates		Product	
10/25/10 - 11/01/10		RSLC MAIN/25	
Advertiser		Est. #	
Republican Senatorial Le		9520	
Original Date/Revision			
10/22/10 / 10/22/10			

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount	
Totals													
Week:		11/01/10	11/07/10	Weekdays				1	\$825.00				
16	WCSH	11/01/10	11/01/10	Today 2/3	9-11a		:30			NM	2	\$400.00	
		Start Date	End Date	Weekdays				Spots/Week	Rate				
Week:		11/01/10	11/07/10	M-----				2	\$200.00				
17	WCSH	11/01/10	11/01/10	Rachel Ray	11a-12p		:30			NM	1	\$100.00	
		Start Date	End Date	Weekdays				Spots/Week	Rate				
Week:		11/01/10	11/07/10	M-----				1	\$100.00				
18	WCSH	11/01/10	11/01/10	Tonight Show	1135p-1235a		:30			NM	1	\$180.00	
		Start Date	End Date	Weekdays				Spots/Week	Rate				
Week:		11/01/10	11/07/10	M-----				1	\$180.00				
Totals												50	\$18,105.00
Time Period		# of Spots		Gross Amount		Net Amount							
09/27/10 - 10/31/10		42		\$14,326.00		\$12,176.25							
11/01/10 - 11/01/10		8		\$3,780.00		\$3,213.00							
Totals		50		\$18,105.00		\$15,389.25							

Time Period	# of Spots	Gross Amount	Net Amount
09/27/10 - 10/31/10	42	\$14,325.00	\$12,176.25
11/01/10 - 11/01/10	8	\$3,780.00	\$3,213.00
Totals	50	\$18,105.00	\$15,389.25

Signature: _____

Date: _____

(* Line Transactions: N = New, E = Edited, D = Deleted)

Gannett Co., Inc. and its stations do not discriminate in advertising contracts on the basis of race or gender. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or gender, even if handwritten, typed or otherwise made a part of this particular contract, is hereby rejected. Advertiser agrees to indemnify Station from all claims (including attorney's fees) for which Station may become liable due to the advertisement(s). This contract renders void any statement concerning liability which appears on correspondence from agency or advertiser. It is further agreed that the station does not accept advertising orders or space reservations relating sequentially liability.

Notwithstanding to whom bills are rendered, advertiser, agency and service, jointly and severally, shall remain obligated to pay to station the amount of any bills rendered by station within the time specified and until payment in full is received by station. Payment by advertiser to agency or to service, shall not constitute payment to this station.

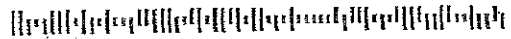
TERMS: Due 15th day of the Month following Broadcast.

Republican State Leadership Committee
1800 Diagonal Road, Suite 230
Alexandria, VA 22314

*****ECLRT**B001 P-1 P4
THE SWIFT HOUSEHOLD
OR CURRENT RESIDENT
PO BOX 100
VASSALBORO ME 04989-0100

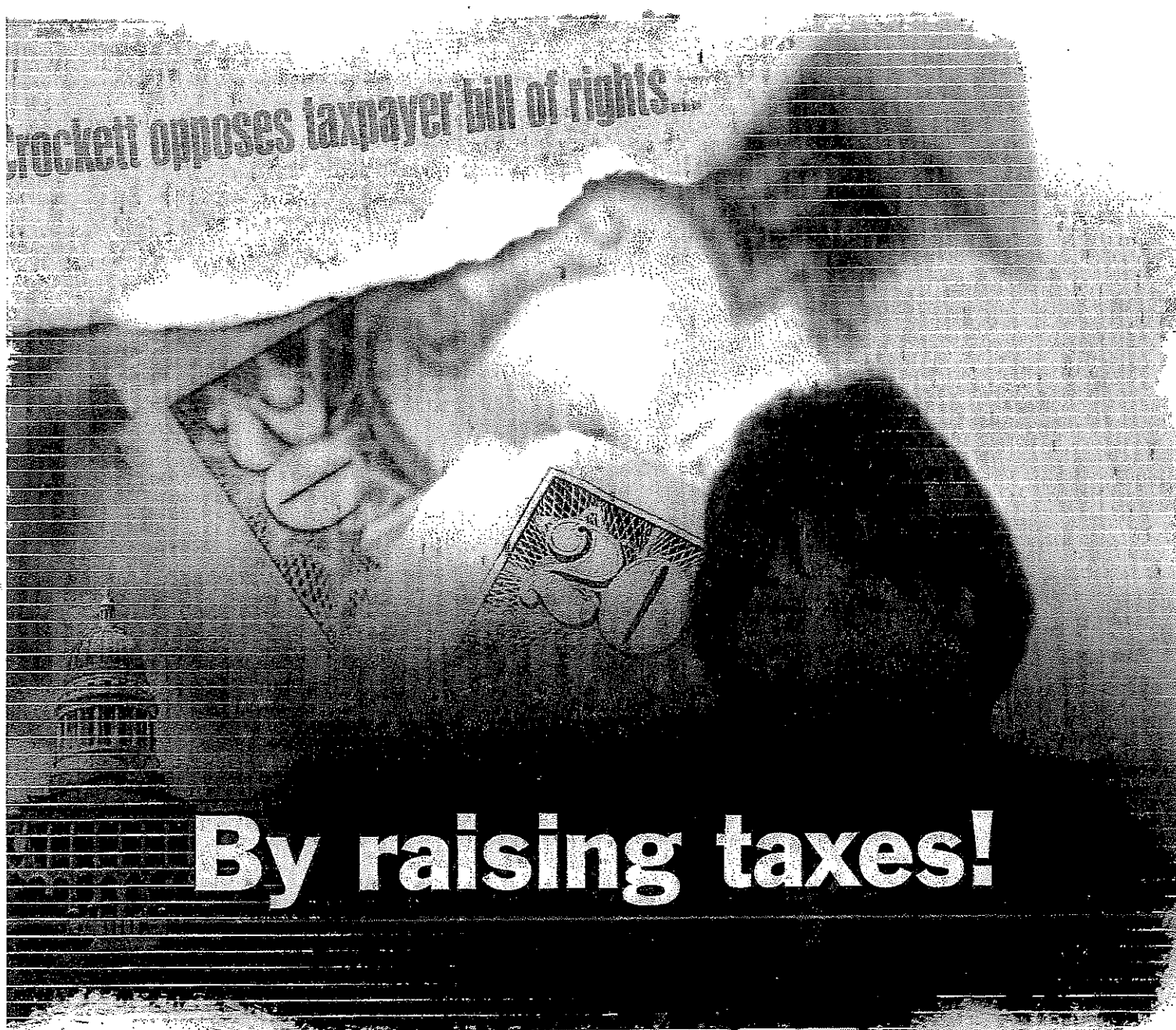
NON PROFIT ORG
U.S. POSTAGE

PAID
ISSUE MAIL



How does Patsy Crockett want to pay for out-of-control government spending?

448510-6594-008



By raising taxes!



Higher Taxes or Less Government Spending?



CROCKETT CHOSE
HIGHER TAXES.

PATSY CROCKETT
VOTED TO ALLOW HIGHER TAXES
WHEN SHE VOTED AGAINST
THE TAXPAYER BILL OF RIGHTS. ²

WITH HER VOTE, CROCKETT:

- OPPOSED the limited growth of government
- OPPOSED controlled government spending
- OPPOSED protecting taxpayer dollars
- OPPOSED tax relief for Maine's hard-working families

PATSY CROCKETT ALSO SUPPORTED A BILL
to increase taxes on everyday items like
car repairs, shoe repairs and movie tickets.³

That hurts family budgets and kills small business jobs!

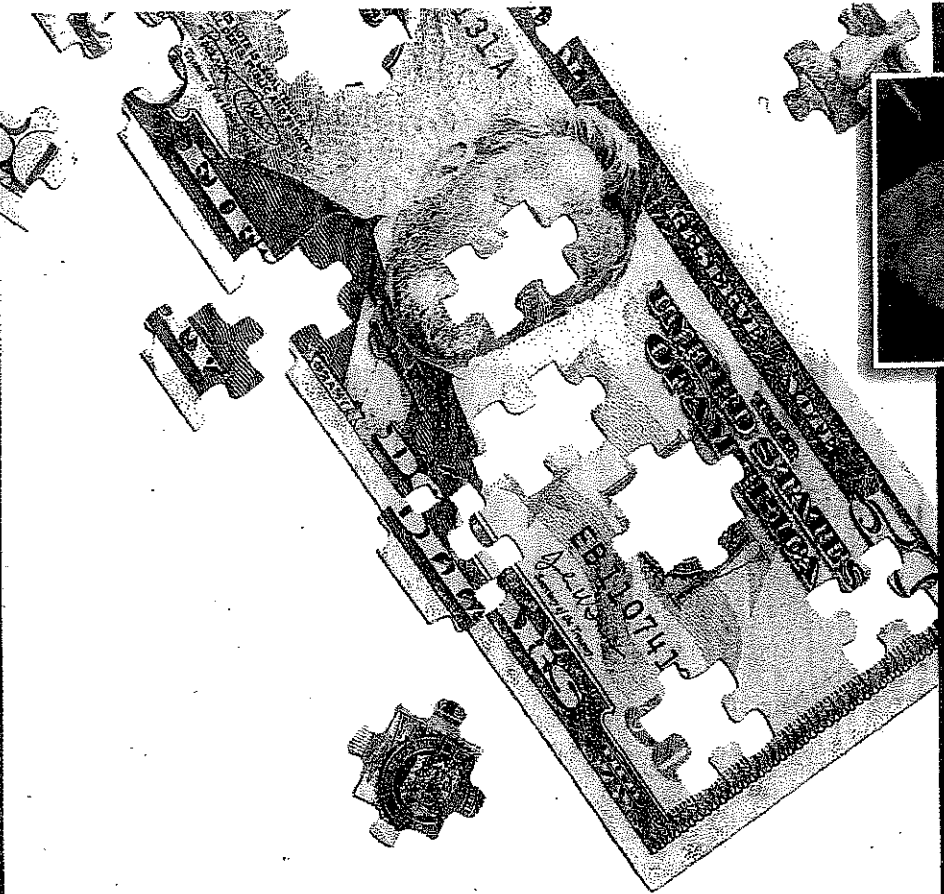
ON NOVEMBER 2,
SAY "NO" TO HIGHER TAXES AND
"NO" TO PATSY CROCKETT.

In these hard economic times,
MAINE NEEDS JOBS, NOT PATSY CROCKETT RAISING TAXES.

0118 Vol. 24 Page 10

EXHIBIT

6



Patsy Crockett voted against protecting
your money by voting against a taxpayer
bill of rights¹ that would have:

- Limited the growth of government
- Helped control government spending
- Protected taxpayer dollars

Patsy Crockett also supported increasing taxes on items
like car repairs, shoe repairs and movie tickets.²

1. *MaineState Journal*, 5/1/09
2. LD 1088 Roll Call Vote #206, 6/5/09

Vote against Patsy Crockett on November 2.

It's time to elect leaders who will stop raising taxes and stop the out-of-control spending.

Republican State Leadership Committee
300 Diagonal Road, Suite 230
Alexandria, VA 22314

|||||
MARGARET L SCHAFER
OR CURRENT RESIDENT
PO BOX 71
VASSALBORO ME 04989-0071

NON PROFIT ORG
U.S. POSTAGE
PAID
ISSUE MAIL

NRSLC-SG24-963

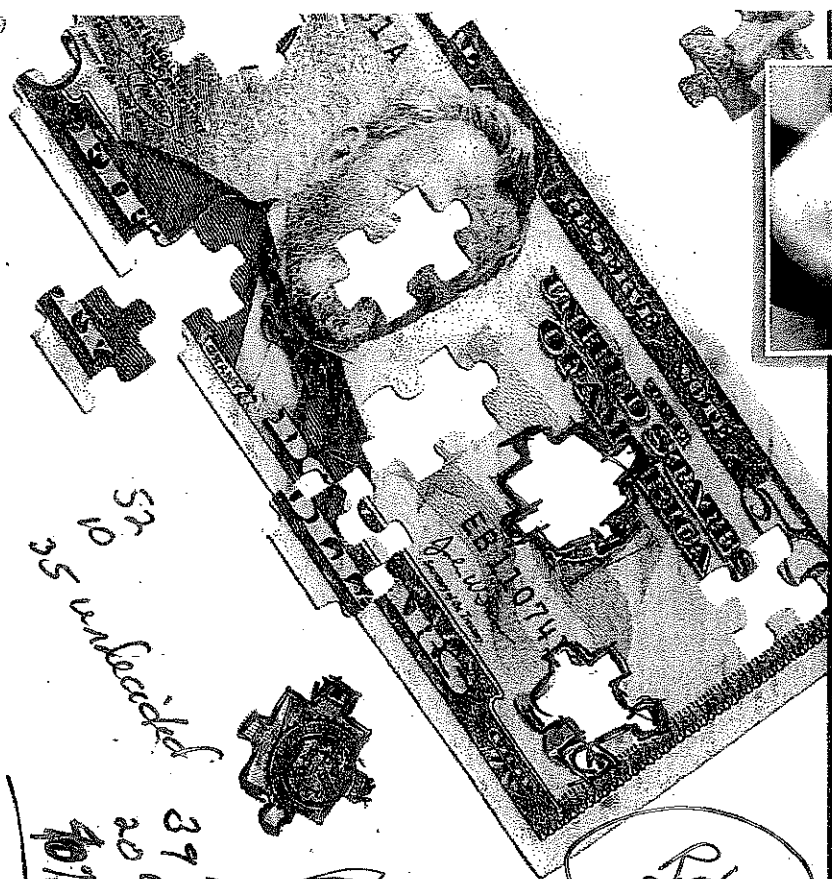
It's Puzzling...

JOBS

Why wouldn't Patsy Crockett VOTE TO PROTECT TAXPAYERS?



In these hard economic times,
MAINE NEEDS JOBS, NOT PAMELA JABAR TRINWARD RAISING TAXES.



Robo

Pamela Jabar Trinward voted for higher taxes when she voted to raise your sales tax.¹ Trinward also opposes the Taxpayer Bill of Rights, which would have:²

- Limited the growth of government
- Helped control government spending
- Protected taxpayer dollars

high undecided

57%
35 undecided

39%
20%
40% undecided

56 105

69 36

1. LD 1088 Roll call vote #206 6-5-09
2. Morning Sentinel 10-21-06

Vote against Pamela Jabar Trinward On November 2.

It's time to elect leaders who will stop raising taxes and stop the out-of-control spending.

It's Puzzling...

JOBS

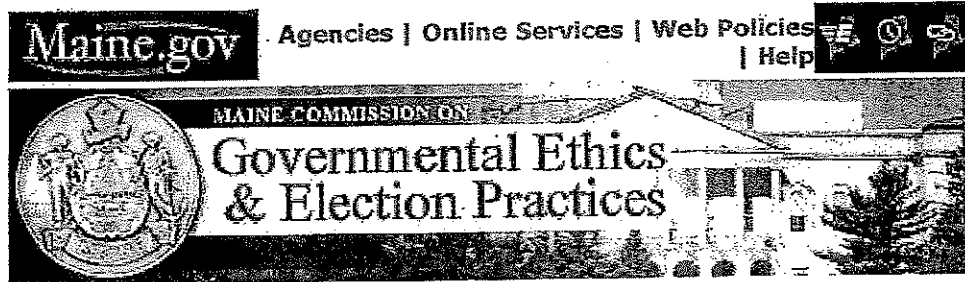
Why would Pamela Jabar Trinward VOTE FOR HIGHER TAXES?

0 Diagonal Road, Suite 230
Kandha, VA 22314

*****ECRWSH**C003 P-1 P26
ANN E MITCHELL
OR CURRENT RESIDENT
21 PROSPECT ST
WATERVILLE ME 04901-4940

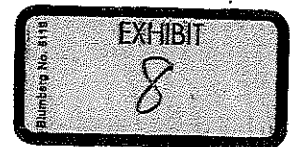
U.S. POSTAGE
PAID
ISSUE MAIL

4385-C-5525-019



State Search:

GO



Home > PACs > Republican State
Leadership Committee - Maine PAC >
Report Listing

BROWSE FINANCIAL REPORTS

Candidates
Party Committees
Political Action Committees
Ballot Question Committees
Lobbyists/Clients

REPORTS

Quick Candidate Lists
Advanced Candidate Lists

SEARCHES

Campaign Finance
Filed Registrations
Lobbying Info
Data Download

REGISTRATION

Lobbyist Registration

PAC Reports For Republican State Leadership Committee - Maine PAC

The following is a list of reports filed by campaign year. Please click on the report you would like to view.

Output Data		
Campaign Year 2010		
Report Type	Filed Date	Amendment
PAC Registration	1/19/2010 2:07:24 PM	Yes
Quarterly - April (Filed No Activity Report)	4/6/2010 5:10:05 PM	
11-day Pre-Primary (Filed No Activity Report)	5/26/2010 4:38:33 PM	
42-day Post-Primary (Filed No Activity Report)	7/16/2010 11:08:02 AM	
Quarterly - October (Filed No Activity Report)	10/4/2010 11:57:28 AM	
11-day Pre-General (Filed No Activity Report)	10/20/2010 12:02:57 PM	
24-Hour Reports	10/23/2010 12:38:18 PM	
Campaign Year 2009		
Report Type	Filed Date	Amendment
Quarterly - April	4/7/2009 3:54:47 PM	
Quarterly - July	7/7/2009 2:18:47 PM	

Quarterly - October (Filed No Activity Report)	10/8/2009 2:13:56 PM	
Quarterly - January (Filed No Activity Report)	1/15/2010 11:43:52 AM	
Campaign Year 2008		
Report Type	Filed Date	Amendment
PAC Registration	8/18/2008 2:48:16 PM	
October Quarterly	10/9/2008 1:59:08 PM	
11-Day Pre-General	10/23/2008 4:37:22 PM	
42-Day Post-General	12/15/2008 2:56:50 PM	
January Quarterly	1/14/2009 3:22:03 PM	
Candidate PACs - 24-Hour Report	10/24/2008 5:06:05 PM	

PAC Summary

Detailed Financial Activity for this PAC
(as of the last filed report)



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

October 29, 2010

Craig Engle, Esq.
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5339

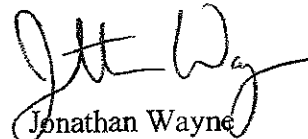
Dear Mr. Engle:

Thank you for calling in to the meeting on October 28, 2010 of the Maine Ethics Commission. The Commission considered a complaint brought by the Maine Democratic Party requesting that the Commission find that the Republican State Leadership Committee (RSLC) filed an independent expenditure report late. The complaint was an amended version of an October 25 request by the Maine Democratic Party for an investigation. The party also requested that the Commission assess civil penalties against the RSLC for the late filing.

The Commission voted unanimously to find there was a violation due to the late filing of Independent Expenditure #142 and to defer the penalty decision until the next regularly scheduled meeting.

If you have further questions, please do not hesitate to contact me.

Sincerely,


Jonathan Wayne
Executive Director

cp

cc: Daniel Walker, Esq., Maine Democratic Party



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

November 2, 2010

By E-Mail and Regular Mail

Craig Engle, Esq.
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5339

REQUEST FOR INFORMATION

Dear Mr. Engle:

On October 25, 2010, the Maine Commission on Governmental Ethics and Election Practices received a request from the Maine Democratic Party to investigate whether an independent expenditure report (IE #142) prepared by the Republican State Leadership Committee (RSLC) was filed late. At a meeting on October 26, 2010, the Commission authorized its staff to investigate.

On October 27, the Maine Democratic Party requested that the Commission assess the maximum penalties against the RSLC because the late filing of the report resulted in a delay of "matching funds" to Democratic candidates for the State Senate participating in the Maine Clean Election Act program. On October 28, the Commission determined that the report was late, but deferred any consideration of late-filing penalties until after the general election.

This request is for information that will assist the Commission in determining the degree to which IE #142 was late. Also, if the RSLC determines that the dates originally disclosed in IE #142 were incorrect, the Commission staff requests that the RSLC submit an amended independent expenditure report with accurate dates.

Independent Expenditure Reporting Requirement

Maine's independent expenditure reporting requirement is set forth in 21-A M.R.S.A. § 1019-B (attached). Under the statute, "any expenditure made to design, produce or disseminate a communication" is presumed to be an independent expenditure if the communication clearly identifies a candidate in a race in which a Maine Clean Election Act candidate is running and the communication is disseminated to voters during the 35 days before a general election.

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

Independent expenditures are taken into consideration for the calculation of "matching funds" for candidates participating in the Maine Clean Election Act program. (21-A M.R.S.A. § 1125(9)) One of the objectives of matching funds is to provide program participants with an opportunity to engage in more campaign speech to respond to independent expenditures in their race.

In order to encourage the prompt filing of independent expenditure reports, the Commission adopted a regulation clarifying that entering into an obligation or agreement to make a payment constitutes a reportable expenditure:

(3) Timing of Reporting Expenditures

- A. Placing an order with a vendor for a good or service; signing a contract for a good or service; the delivery of a good or the performance of a service by a vendor; or a promise or an agreement (including an implied one) that a payment will be made constitutes an expenditure, regardless whether any payment has been made for the good or service.
- B. Expenditures must be reported at the earliest of the following events:
 - (1) The placement of an order for a good or service;
 - (2) The signing of a contract for a good or service;
 - (3) The delivery of a good or the performance of a service by a vendor;
 - (4) A promise or an agreement (including an implied one) that a payment will be made; or
 - (5) The making of a payment for a good or service.
- C. At the time the duty to report an expenditure arises, the person submitting the report is required to determine the value of goods and services to be rendered (preferably through a written statement from the vendor) and to report that value as the amount of the expenditure. If the expenditure involves more than one candidate election, the report must include an allocation of the value to each of those candidate elections.

(Chapter 1, Section 7(3) of the Commission's Rules) (attached) The rule is based on part of the statutory definition of campaign "expenditure," which includes "[a] contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure." (21-A M.R.S.A. § 1012(3)(A)(2))

The schedule for reporting independent expenditures is governed by Chapter 1, Section 10(3) of the Commission's Rules (attached). Under paragraph 3(B), independent expenditures aggregating more than \$250 per candidate made "within the period starting September 7th and ending on the 14th day before the general election must be reported within 48 hours of those expenditures" After the 14th day before the election, independent expenditures aggregating more than \$100 per candidate must be reported within 24 hours of those expenditures. *Id.*

Request for Information

Please answer the following questions on behalf of the RSLC no later than November 16, 2010. For purposes of your response, "placing an order" means communicating to a vendor that the RSLC has made a definite decision to purchase the goods or services, and "the RSLC" means the Republican State Leadership Committee or any of its agents.

Television advertisements

- (1) On what date did the RSLC place an order for the production of the television advertisements?
- (2) If the RSLC was, in fact, undecided whether it would run the television advertisements as of the date responsive to question (1), please explain when and how the RSLC made the decision to run the ads?
- (3) On what date did the RSLC commence shipping the television advertisements to Maine television stations? From where were they shipped?
- (4) Please confirm if Friday, October 22 was the date on which the RSLC placed orders for advertising time with Maine television stations? To the best that the RSLC can determine, what time were the placements made? (IE #142 was filed by fax at approximately 12:53 p.m. on Oct. 23, and the Maine Democratic Party alleges that the report was a few hours late based on when the RSLC bought the advertising time.)

Mailings

- (5) On what date did the RSLC place an order for the production of the mailings?
- (6) If the RSLC was, in fact, undecided whether it would send the mailings as of the date responsive to question (5), please explain when and how the RSLC made the decision to send the mailings?
- (7) On what date was the production of the mailings completed?
- (8) On what date did the RSLC purchase the postage for the mailings?

Radio advertisements

- (9) On what date did the RSLC place an order for the production of the radio advertisements?
- (10) On what date(s) did the RSLC purchase the advertising time on broadcast stations for the radio advertisements?

Please provide the Commission with any other information that the RSLC believes is relevant to when the expenditures were made and when IE #142 was required to be filed.

Amendment of IE #142

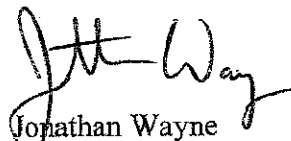
If the RSLC concludes that the expenditure dates in IE #142 are inaccurate, the Commission staff requests that the RSLC file an amended report that discloses the accurate dates.

Late-Filing Penalties

The Commission staff will consider the RSLC's response to this request in making a recommendation to the Commissioners concerning any late-filing penalties. The penalties for late filing of independent expenditure reports are governed by 21-A M.R.S.A. §§ 1020-A and 1127(1). The RSLC will have an opportunity to respond to any proposed penalties for the late filing of IE #142.

If you have any questions about this request, please contact me at (207) 287-4179 or Jonathan.Wayne@maine.gov.

Sincerely,


Jonathan Wayne
Executive Director

cc: Brett G. Kappel, Esq. (by e-mail and regular mail)
Daniel W. Walker, Esq.

21-A MRSA § 1019-B. REPORTS OF INDEPENDENT EXPENDITURES

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure":

A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and [2003, c. 448, §3 (NEW).]

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 35 days, including election day, before a general election; or during a special election until and on election day. [2007, c. 443, Pt. A, §20 (AMD).]

2. Rebutting presumption. A person presumed under this section to have made an independent expenditure may rebut the presumption by filing a signed written statement with the commission within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

3. (TEXT EFFECTIVE UNTIL 8/1/11) (TEXT REPEALED 8/1/11) Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2009, c. 524, §6 (RPR).]

B. A report required by this subsection must contain an itemized account of each expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate. [2009, c. 524, §6 (RPR).]

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. [2009, c. 524, §6 (RPR).]

This subsection is repealed August 1, 2011.

4. (TEXT EFFECTIVE 8/1/11) Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election in a town or city that has chosen to be governed by this subchapter, a copy of the same information must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2. [2009, c. 524, §7 (NEW).]

B. A report required by this subsection must contain an itemized account of each expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate. [2009, c. 524, §7 (NEW).]

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. [2009, c. 524, §7 (NEW).]

This subsection takes effect August 1, 2011.

SECTION 7. EXPENDITURES

1. **Expenditures by Consultants, Employees, and Other Agents of a Political Campaign.** Each expenditure made on behalf of a candidate, political committee, or political action committee by any person, agency, firm, organization, etc., employed or retained for the purpose of organizing, directing, managing or assisting the candidate, the candidate's committee, or the political action committee must be reported separately by the candidate or committee as if made or incurred by the candidate or committee directly. The report must include the name of the third party vendor or payee to whom the expenditure was made, the date of the expenditure, and the purpose and amount of the expenditure. It is not sufficient to report only the total retainer or fee paid to the person, agency, firm, organization, etc., if that retainer or fee was used to pay third party vendors or payees for campaign-related goods and services.
2. **Expenditures by Political Action Committees.** In addition to the requirements set forth in 21-A M.R.S.A. §1060(4), the reports must contain the purpose of each expenditure and the name of each payee and creditor.
3. **Timing of Reporting Expenditures**
 - A. Placing an order with a vendor for a good or service; signing a contract for a good or service; the delivery of a good or the performance of a service by a vendor; or a promise or an agreement (including an implied one) that a payment will be made constitutes an expenditure, regardless whether any payment has been made for the good or service.
 - B. Expenditures must be reported at the earliest of the following events:
 - (1) The placement of an order for a good or service;
 - (2) The signing of a contract for a good or service;
 - (3) The delivery of a good or the performance of a service by a vendor;
 - (4) A promise or an agreement (including an implied one) that a payment will be made; or
 - (5) The making of a payment for a good or service.
 - C. At the time the duty to report an expenditure arises, the person submitting the report is required to determine the value of goods and services to be rendered (preferably through a written statement from the vendor) and to report that value as the amount of the expenditure. If the expenditure involves more than one candidate election, the report must include an allocation of the value to each of those candidate elections.

4. Advance Purchases of Goods and Services for the General Election

- A. Consulting services, or the design, printing or distribution of campaign literature or advertising, including the creation and broadcast of radio and television advertising, contracted or paid for prior to the primary election must be received prior to the primary election in order to be considered primary election expenditures.
- B. If the Commission receives a complaint stating that a candidate or a committee purchased goods or services before a primary election for use in the general election, the Commission may request that the candidate or committee distinguish which of the goods and services were used in the primary election and which were used in the general election.

5. All campaign-related payments made with the personal funds or credit card of the candidate or an individual authorized by the candidate must be reported as expenditures in the reporting period during which the payment to the vendor or payee is made. The candidate must report the name of the vendor or payee to whom the payment was made, the date of the expenditure, and the purpose and amount of the expenditure. When the expenditure is reported, the candidate should indicate the person who made the payment by entering "Paid by [name of candidate or supporter]" in the remarks section of the expenditure schedule. It is not sufficient to report only the name of the candidate or authorized individual to whom reimbursement was made and the total amount of the reimbursement. If a Maine Clean Election Act candidate uses his or her personal funds to make an expenditure, the campaign must reimburse the candidate within the same reporting period.
6. Multiple expenditures for bank fees and for vehicle travel may be reported in an aggregate amount, provided that the candidate or committee identifies the time period of the expenditures in the remarks section of the report.
7. When a political action committee or party committee makes an expenditure for a communication to voters for the purpose of influencing the election of a clearly identified candidate, the amount spent to influence that candidate's election must be specified on the regularly filed campaign finance report of the committee, regardless whether the communication expressly advocates for the election or defeat of the candidate. If a single expenditure influences the election of more than one candidate, the political action committee or party committee shall itemize the amount spent per candidate.

SECTION 8. PROHIBITED COMMUNICATIONS

Commission members shall not discuss any specific case under investigation, or any case which may reasonably be expected to be the subject of investigation, as long as the matter is pending before the Commission. Members of the Commission may discuss its final determination regarding the matter with members of the press or other interested persons only after the appeal period has expired and no appeal is filed, or if an appeal is filed, only after the appellant has exhausted all administrative or judicial remedies.

SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes an independent expenditure aggregating in excess of \$100 per candidate in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
 - A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
 - B. "Expressly advocate" means any communication that uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!".
 - C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures must be reported to the Commission in accordance with the following provisions:
 - A. Independent expenditures aggregating in excess of \$100 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following reporting schedule, unless required to be reported according to the schedule in paragraph B.
 - (1) **Quarterly Reports.** Quarterly reports must be filed by 5:00 p.m. on:
 - (a) January 15th and be complete as of January 5th;
 - (b) April 10th and be complete as of March 31st;
 - (c) July 15th and be complete as of July 5th; and
 - (d) October 10th and be complete as of September 30th.
 - (2) **Pre-Election Report.** A report must be filed by 5:00 p.m. on the 14th day before the election is held and be complete as of that day.

If the total of independent expenditures made to support or oppose a candidate exceeds \$100, each subsequent amount spent to support or oppose the candidate

must be reported as an independent expenditure according to the schedule in this paragraph or paragraph B.

- B. Independent expenditures aggregating in excess of \$250 per candidate made on or before September 6th must be reported by 5:00 p.m. on September 7th.

Independent expenditures aggregating in excess of \$250 per candidate made within the period starting on September 7th and ending on the 14th day before the general election must be reported within 48 hours of those expenditures, including on a weekend, holiday, or state government shutdown day.

[NOTE: THIS MEANS THAT WHEN THE CUMULATIVE AMOUNT OF EXPENDITURES TO SUPPORT OR OPPOSE A CANDIDATE EXCEEDS \$250, AN INDEPENDENT EXPENDITURE MUST BE FILED WITH THE COMMISSION WITHIN 48 HOURS OF GOING OVER THE \$250 THRESHOLD.

FOR EXAMPLE, IF AN INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES THREE EXPENDITURES OF \$100 IN SUPPORT OF A CANDIDATE ON SEPTEMBER 10TH, SEPTEMBER 15TH, AND OCTOBER 1ST, AN INDEPENDENT EXPENDITURE REPORT MUST BE FILED BY OCTOBER 3RD. THE THIRD EXPENDITURE OF \$100 MADE THE CUMULATIVE TOTAL OF EXPENDITURES EXCEED \$250 AND THE 48-HOUR REPORTING REQUIREMENT WAS TRIGGERED ON OCTOBER 1ST. THE REPORT MUST INCLUDE ALL THREE EXPENDITURES.

AFTER OCTOBER 1ST, IF THAT INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES ADDITIONAL EXPENDITURES TO SUPPORT THAT CANDIDATE, THE REQUIREMENT TO FILE AN INDEPENDENT EXPENDITURE REPORT WITHIN 48 HOURS WILL APPLY ONLY IF THE CUMULATIVE TOTAL SPENT AFTER OCTOBER 1ST EXCEEDS \$250. FOR EXAMPLE, IF THE INDIVIDUAL, ORGANIZATION OR COMMITTEE MAKES TWO PAYMENTS OF \$200 TO PROMOTE THE CANDIDATE ON OCTOBER 10TH AND OCTOBER 15TH, ANOTHER INDEPENDENT EXPENDITURE REPORT MUST BE FILED BY OCTOBER 17TH DISCLOSING THOSE TWO EXPENDITURES.]

Independent expenditures aggregating in excess of \$100 per candidate made after the 14th day before the general election must be reported within 24 hours of those expenditures, including on a weekend, holiday, or state government shutdown day.

- C. Reports must contain information as required by Title 21-A, chapter 13, subchapter II (§§ 1016-1017-A), and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate. Reports filed after the eighth day before an election must include the following information:

1. the date on which the person making the expenditure placed the order with the vendor for the goods or services;
2. the approximate date when the vendor began providing design or any other services in connection with the expenditure;

3. the date on which the person making the expenditure first learned of the total amount of the expenditure; and
 4. a statement why the expenditure could not be reported by the eighth day before the election.
- D. A separate 24-Hour Report is not required for expenditures reported in an independent expenditure report.
4. **Multi-Candidate Expenditures.** When a person or organization is required to report an independent expenditure for a communication that supports multiple candidates, the cost should be allocated among the candidates in rough proportion to the benefit received by each candidate.
- A. The allocation should be in rough proportion to the number of voters who will receive the communication and who are in electoral districts of candidates named or depicted in the communication. If the approximate number of voters in each district who will receive the communication cannot be determined, the cost may be divided evenly among the districts in which voters are likely to receive the communication.
- [NOTE: FOR EXAMPLE, IF CAMPAIGN LITERATURE NAMING SENATE CANDIDATE X AND HOUSE CANDIDATES Y AND Z ARE MAILED TO 10,000 VOTERS IN X'S DISTRICT AND 4,000 OF THOSE VOTERS RESIDE IN Y'S DISTRICT AND 6,000 OF THOSE VOTERS LIVE IN Z'S DISTRICT, THE ALLOCATION OF THE EXPENDITURE SHOULD BE REPORTED AS: 50% FOR X, 20% FOR Y, and 30% FOR Z.]
- B. If multiple county or legislative candidates are named or depicted in a communication, but voters in some of the candidates' electoral districts will not receive the communication, those candidates should not be included in the allocation.
- [NOTE: FOR EXAMPLE, IF AN EXPENDITURE ON A LEGISLATIVE SCORECARD THAT NAMES 150 LEGISLATORS IS DISTRIBUTED TO VOTERS WITHIN A TOWN IN WHICH ONLY ONE LEGISLATOR IS SEEKING RE-ELECTION, 100% OF THE COST SHOULD BE ALLOCATED TO THAT LEGISLATOR'S RACE.]
- C. If a candidate who has received matching funds because of a multi-candidate communication believes that he or she deserves additional matching funds because the communication disproportionately concerns his or her race, the Commission may grant additional matching funds in proportion to the relative treatment of the candidates in the communication.
5. **Rebuttable Presumption.** Under Title 21-A M.R.S.A. §1019-B(1)(B), an expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate in a race involving a Maine Clean Election Act candidate and that is disseminated during the 21 days before a primary election and 35 days before a general election will be presumed to be an independent expenditure, unless the person making the expenditure submits a written statement to the Commission within 48 hours of the

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Daniel P. Riley Jr., Esq.
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January 21, 2011

Jonathan Wayne
Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135

**Re: Response to Request for Information Regarding Independent Expenditure
Report #142 filed by the Republican State Leadership Committee**

Dear Mr. Wayne:

On behalf of my client, the Republican State Leadership Committee (the "RSLC"), below please find the information requested by you regarding Independent Expenditure Report #142 ("IE #142"). We appreciate your patience in awaiting this response as we worked to obtain the proper information from both our client and the vendors involved in the transactions in question.

By way of background, the RSLC was founded in 2002 and is the only national organization that focuses on electing Republican majorities to state legislatures. The RSLC targets legislative chambers where there is a chance for the control to change hands, either defending slim Republican majorities or supporting Republican minorities that have the potential to turn into the majority. Since 2002, the RSLC has been active in forty six (46) states and has made total expenditures in the tens of millions of dollars in that time.

In addition, for all activities it undertakes, the RSLC takes seriously its responsibility to report all of its electoral activity and to comply with all applicable federal, state and local election laws. The RSLC is registered with the Internal Revenue Service (the "IRS") as a 527 political organization and voluntarily reports all contributions and expenditures on a monthly basis (only quarterly reporting is required) to the IRS. In other states where the RSLC operates, it is the common practice that independent expenditures are reported within 24 hours of the actual expenditure being publicly distributed or disseminated.

The RSLC has complied with that standard in the other states in which it operates. The Maine standard, requiring reporting when, among other factors, an order is "placed" is unique. That being said, the RSLC wishes to emphasize to the Commission that the late filing at issue was not in any way willful or intentional. It was, instead, the result of reliance on their reporting experiences in other states – and a belief that reporting was not required until the public dissemination and distribution trigger occurred.

Television Advertisements

- 1) On what date did the RSLC place an order for the production of the television advertisements?
 - *October 20, 2010*
- 2) If the RSLC was, in fact, undecided whether it would run the television advertisements as of the date responsive to the question (1), please explain when and how the RSLC made the decision to run the ads?
 - *The RSLC decided to run the television advertisements as of the date responsive to question (1).*
- 3) On what date did the RSLC commence shipping the television advertisements to Maine television station? From where were they shipped?
 - *The RSLC did not ship the television advertisements to any Maine television stations but instead contracted with Crossroads Media to handle production and distribution tasks. According to information provided to the RSLC by Crossroads Media, digital transmission of the television advertisements to the Maine television stations began on October 21, 2010.*
- 4) Please confirm if Friday, October 22, was the date on which the RSLC placed orders for advertising time with Maine television stations? To the best that the RSLC can determine, what time were the placements made? (IE #142 was filed by fax at approximately 12:53pm on Oct. 23, and the Maine Democratic Party alleges that the report was a few hours late based on when the RSLC bought the advertising time.)
 - *According to information provided to the RSLC by Crossroads Media, orders for advertising time were placed on the following dates and times:*
 - *Cable television station orders began on October 21, 2010 at 10:46am.*
 - *Broadcast television station orders began on October 21, 2010 at 11:38am.*

Mailing

- 1) On what date did the RSLC place an order for the production of the mailings?
 - *Orders for production of mailings began on October 19, 2010.*
- 2) If the RSLC was, in fact, undecided whether it would send the mailings as of the date responsive to the above question, please explain when and how the RSLC made the decision to send the mailings?

- *The RSLC decided to send the mailings as of the date responsive to question (1).*
- 3) On what date was the production of the mailings completed?
- *According to information provided to the RSLC by Arena Communications, production on mail pieces was completed on October 23, 2010.*
- 4) On what date did the RSLC purchase the postage for the mailings?
- *The RSLC did not directly purchase postage for the mailings. As stated above, the RSLC contracted with Crossroads Media, who in turn, subcontracted with Arena Communications for production and mailing of the mail pieces. On October 21, 2010, the RSLC was advised by Arena Communications that the purchase of postage would cost \$22,551. The total postage cost was reported on IE #142 filed on October 23, 2010.*

Radio Advertisements

- 1) On what date did the RSLC place an order for the production of the radio advertisements?
- *Orders for production of the radio advertisements began on October 20, 2010.*
- 2) On what date(s) did the RSLC purchase the advertising time on broadcast stations for the radio advertisements?
- *As stated previously, the RSLC did not directly purchase advertising time for the radio advertisements but used a media buyer, Crossroads Media. According to Crossroads Media, orders for radio advertisements began on October 21, 2010 at 1:16pm.*

After review of all the above dates, it appears that the RSLC should indeed have filed Independent Expenditure reports on October 20, 2010 (covering the "order placement" of the mailings) and on October 21, 2010 (covering all other "order placements"). Instead, the RSLC combined all these expenses into one report (believing the reporting trigger was distribution), which was filed on October 23, 2010. The RSLC will be amending its reports accordingly.

In closing, the RSLC asks the Commission to take into consideration that the organization filed its reports in good faith and consistent with their practice in other states across the country. While the RSLC now understands the unique triggers in Maine law, it is important for the Commission to understand that there was no intent on the part of the RSLC to avoid compliance but simply a lack of recognition of the nuances of Maine's campaign reporting requirements.

- *The RSLC decided to send the mailings as of the date responsive to question (1).*
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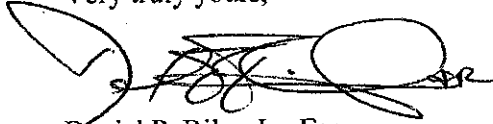
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January 21, 2011
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If you have further questions or need additional information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel P. Riley Jr.", with a large, stylized flourish on the left side.

Daniel P. Riley Jr., Esq.

DPR

cc: Craig Engle, Esq.
Brett Kapel, Esq.